

**EXHIBIT C**

**LAND TITLE ACT  
FORM 35  
(section 216(1))**

**Declaration of Building Scheme**

Page 1 of 8 pages

**NATURE OF INTEREST**                      **CHARGE:**      Building Scheme

**HEREWITH FEE OF:**                      \$65.20

Address of person entitled to apply to register this Building Scheme

2922 Allenby Road, Duncan, BC V9L 6V3

Full name, address and telephone number of person presenting application

JAWL & BUNDON, Barristers & Solicitors  
4th Floor, 1007 Fort Street  
Victoria, BC V8V 3K5

\_\_\_\_\_  
Applicant/Solicitor/Agent

I, Nick Woywitka, a director and authorized signatory of WOYWITKA'S BUILDING SUPPLIES LTD. (the "Developer"), 2922 Allenby Road, Duncan, BC V9L 6V3 declare that:

1. The Developer is the registered owners in fee simple of the following land (the "Lots"):  
Lots 1 to 39 and 41 to 66, Sections, 2 and 3, Range 2, Comiakén District, Plan  
VIP \_\_\_\_\_.
2. The Developer 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 shall be for the benefit of all the Lots.

Officers Signature(s)	Execution Date			Transferor(s) Signature(s):  Woywitka's Building Supplies Ltd. by its authorized signatory:  _____ Nick Woywitka
	Y	M	D	
	07			

**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. 1979, c.116, 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 in Form D.

**CONSENT AND PRIORITY AGREEMENT OF CHARGE HOLDERS:**

HSBC BANK CANADA, having an office at 100-771 Vernon Avenue, Victoria, B.C., the holder of the following charge, consent to the registration of the above Declaration of Building Scheme and agree that it shall have priority over the stated charge.

		Execution Date				
Officers Signature(s)		Y	M	D	Transferor(s) Signature(s)	
		07			HSBC BANK CANADA by its authorized signatory(ies):	
					_____	
					Print Name:	
					_____	
					Print Name:	
					As to Mortgage ET54410 and Assignment of Rents ET54411	

(as to both signatures)

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## Schedule of Restrictions

### 1.1 Approval of Plans and Specifications

- (a) No application shall be made to the District of North Cowichan for a building permit, nor shall there be constructed (including grading, filling or doing any other preparatory work on a Lot), placed, erected or maintained on any Lot, any dwelling, building, outbuilding or ancillary improvement (collectively, the "Improvement") unless and until complete and proper plans (including an architectural plan, a landscape plan, an exterior finish and colour plan and a site plan showing the location of the proposed Improvements on the Lot), elevation drawings, specifications for the proposed Improvements (including a list of all materials to be used with details as to the quantity, quality, colours and location of the materials in the proposed Improvements) (collectively, the "Plans") are first submitted to and approved in writing by Woywitka's Building Supplies Ltd., its agents, nominees or delegates (the "Developer"), it being the intention of these restrictive covenants that all Improvements are to be controlled as to design, siting, height, setbacks, type of materials used and exterior colour schemes in accordance with design guidelines prepared by the Developer for the benefit of the Lots as a whole and for the benefit of adjacent or nearby Lots. No Improvements shall be constructed except in accordance with the Plans approved by the Developer.
- (b) No application shall be made to the District of North Cowichan for a building permit, nor shall there be constructed (including grading, filling or doing any other preparatory work on a Lot), placed, erected or maintained on any Lot, any Improvement for which the approval of the Plans was given by the Developer more than 6 months prior to the commencement of the work.
- (c) No Improvements may be erected within 80 metres of any structure of a similar exterior design, exterior massing and finishing.

### 1.2 Construction

Construction of the dwelling shall be proceeded with diligently and continuously; and no construction on any Lot shall remain in an uncompleted state (whether or not construction is proceeding) beyond the period ending on the date 12 months from the date of the approval of the Plans for that Lot by the Developer. Without restricting the generality of the foregoing, no Lot shall be permitted to remain un-landscaped after the aforesaid 12 month period, or more than 6 months from the date of issuance of any occupancy permit by the District of North Cowichan, whichever shall come first.

### 1.3 General Contractor

No Improvements shall be constructed except by a full-time professional general contractor approved by the Developer.

## **2.0 SITE REQUIREMENTS**

### **2.1 Setbacks**

No dwelling or structure shall be constructed on the lots with a front, rear or side-yard of lesser width or depth as follows:

- (a) Front yards - 6.0 metres;
- (b) Rear yards - 8.0 metres or, for Lots 1 to 17, the full depth of the conservation covenant area, where this is greater than 8.0 metres;
- (c) Side yards:
  - (i) for Lots 1 to 17 - 2.0 metres on each side;
  - (ii) for Lots 35, 41 to 43 and 59 to 63 - 2 metres on one side and 3.0 metres on the other side;
  - (iii) for the remaining Lots, 3.0 metres on each side;

and no dwelling or structure on Lots 35 to 38 shall be constructed with a front yard of greater than 6.0 metres.

### **2.2 Floor Area**

No Improvement shall be constructed on any Lot with a total finished living area (excluding the garage and any ancillary outbuildings to the main house) of less than 2,000 square feet for two storey dwellings, 1,700 square feet for split-level dwellings and 1,400 square feet for single level dwellings.

### **2.3 Building Height and View Protection**

- (a) No dwelling shall be constructed on any Lot with a vertical distance from grade to the highest point of the building, as averaged from each of the outermost corners of the building to the highest point of the building, of more than 9.0 metres. No accessory buildings shall be constructed on any Lot with a vertical distance from grade to the highest point of the building, calculated in the same manner, of more than 5.0 metres.
- (b) No dwellings shall be constructed on Lots 1-17, 26, 35-39, 41-50, 55 and 56 with a roof ridge height higher than 6 metres above the elevation of the highest point of the back side of the curb or sidewalk directly fronting the Lot.
- (c) No dwelling shall be constructed on Lot 25 with a roof ridge higher than 7 metres above the elevation of the highest point on the back side of the curb or sidewalk directly fronting the lot.
- (d) No principal roof ridges of dwellings which are subject to 6 and 7 metre height restrictions shall be constructed in any manner other than perpendicular to the front face of the building (to minimize obstruction of views from rear Lots).
- (e) No two storey structures shall be constructed other than with the second storey incorporated into the roof, or defined with a secondary roof or wood detailing.

- (f) No three storey structures facing roads shall be constructed on any Lot unless the uppermost storey is set back from the main floor front face and is incorporated into the roof to reduce the perception of building height.

## **2.2 Trees**

No trees or vegetation shall be removed or substantially altered except in accordance with the landscape plan included in the approved Plans for a Lot.

## **2.4 Fencing**

No side yard fencing shall be erected except behind the front face of the Improvement on that Lot.

## **2.5 Boardwalks**

No sidewalks or other paths shall be built over the riparian areas of Lots 1 to 17 except boardwalks constructed as an elevated walk using piles. No such boardwalks shall be constructed anywhere other than straddling the boundaries of the following Lots (for the joint use of both Lots): Lots 2 and 3, Lots 4 and 5, Lots 6 and 7, Lots 8 and 9, Lots 10 and 11, Lots 12 and 13, Lots 14 and 15 and Lots 16 and 17.

## **3.0 ARCHITECTURAL REQUIREMENTS**

### **3.1 Roof Design**

- (a) No roof of any dwelling shall be constructed with fewer than two roof intersections and two roof planes.
- (b) No roof of any dwelling shall be constructed with an overhang of less than 2.0 feet.
- (c) No roof of any building shall be constructed of metal (except copper), asphalt shingles, cedar shakes or shingles or tar and gravel (unless the area of the tar and gravel roof is less than one third of the total area of the roof).
- (d) No roof of any building shall be constructed with fascia boards at roof eaves and barge boards at gable edges of anything other than wood or with nominal dimensions of less than 2 inches by 8 inches or trim with nominal dimensions of less than 1 inch by 3 inches.
- (e) No roof of any dwelling shall be constructed without either surface mounted or hidden eaves troughs; no roof of any dwelling shall be constructed with fascia gutters.
- (f) No mechanical equipment of any kind, including elevator shaft housings, heat pumps and air conditions, shall be installed on any roof.

### **3.2 Exterior Finishes**

- (a) No building shall be constructed with an exterior wall cladding other than wood siding, rock, cultured stone, brick, cedar shingles, "hardiplank" composite siding or equivalent, and small areas (no more than 30% of the total exterior wall area of any exterior building elevation ) of textured stucco.
- (b) No building shall be constructed with an exterior wall cladding of vinyl or aluminum siding.
- (c) No exterior wall claddings (except rock, cultured stone and brick) shall have less than a 4 inch wide wood trim around windows and doors and at building corners unless siding corners have been bevelled and mitred).
- (d) No building shall be constructed with less than 20% of the area of any exterior wall that faces a public street clad with rock, cultured stone or brick.
- (e) No building shall be constructed with more than 30% of the total exterior wall area of any exterior building elevation clad with textured stucco.
- (f) No building shall be constructed with exposed concrete foundation walls greater than 12" in height, measured from finished grade to the underside of the exterior wall cladding (except where the foundation must be stepped to accommodate finished grades).

### **3.3 Exterior Colours**

- (a) No building shall have fewer than 4 exterior colours.
- (b) No building shall have different colours for any windows, all of which shall be of the same colour.

### **3.4 Exterior Lighting and House Numbers**

- (a) No light fixtures shall be located or directed so as to cause glare or illumination on other Lots.
- (b) No house numbers shall exceed 6 inches in height.

### **3.5 Garages**

- (a) No carports shall be permitted on any Lot.
- (b) No garage door opening shall exceed 8 feet in height.
- (c) No garage shall be built as an accessory building.
- (d) No garage shall accommodate fewer than two vehicles.
- (e) No garage shall be constructed without a closing vehicle entrance door.

**3.6 Parking**

- (a) No building shall be constructed on any Lot with fewer than 3 on-site parking spaces (including those within a garage).

**3.7 Fencing**

- (a) No fencing shall be erected in the front yard of any Lot.
- (b) No fencing shall be erected on any side yard of any Lot between the front face of the dwelling and the street.
- (c) No fencing shall be constructed of any materials other than cedar.
- (d) No fencing at the rear of Lots 35 to 39 and 41 to 49 other than a 5 foot high solid panel topped with a 12 inch latticed panel.

**4.0 VEHICLES**

4.1 No commercial vehicles or machinery shall be stored or parked on any Lot except as may be reasonably required during the construction of a building.

4.2 No trailer, boat, recreational vehicle, camper or any vehicle or equipment (other than private passenger vehicles and light trucks) shall be stored on the Lot unless it is stored inside a garage or behind fencing or vegetation that screens it from neighbouring Lots and public areas.

4.3 No trailer, camper, recreational vehicle or motor vehicle of any kind shall be maintained on a Lot as a dwelling or sleeping unit, either permanently or temporarily.

**5.0 GENERAL REQUIREMENTS**

5.1 No mobile home, manufactured home, used home, shack or cabin may be placed on a Lot.

5.2 No garbage receptacle, incinerator, or compost heap shall be placed on any Lot unless it is kept in the rear yard and is fully screened from view.

5.3 No waste materials or refuse of any kind shall be allowed to accumulate on any Lot.

5.4 No outdoor clothes lines or poles shall be permitted on any Lot, other than umbrella or collapsible types which are not visible from the street.

5.5 No antenna or satellite receiving dish with a diameter larger than 24 inches (61 cm) shall be erected on a Lot or on the exterior of any home or improvement.

5.6 No livestock, endangered species, poultry and any other non-domestic animal shall be kept on a Lot.

5.7 No canine breed which is generally and widely known to be dangerous or

potentially dangerous such as the Pitbull and Rottweiler are permitted on a Lot.

5.8 No more than two dogs and two cats may kept on any Lot.

5.9 No Lot may be subdivided, except for Lot 50 which may be subdivided to adjust the north-easterly boundary.

5.10 No debris, noxious weeds, or invasive species shall be permitted to accumulate on a Lot at any time, including prior to construction of any buildings.

5.11 No vegetation (other than trees and native shrubs) a vacant Lot shall be permitted to grow to more than 12 inches (30 cm) in height.

5.12 No construction debris, waste materials or excess materials shall be allowed to accumulate on any Lot during construction.

5.13 No building on any Lot shall be allowed to become in despair or unsightly or untidy, it being the intent of these covenants that all Lots and the Improvements thereon shall be maintained at all times in a neat and attractive state and condition.

## **6.0 EXEMPTIONS BY DEVELOPER**

Pursuant to section 220 of the *Land Title Act*, the Developer reserves the right, to exempt any Lot remaining undisposed of at the time the exemption takes effect from all or any of the restrictions and benefits created by this statutory building scheme.

END OF DOCUMENT