

DECLARATION(S) ATTACHED

VICTORIA LAND TITLE OFFICE

CA8056930

LAND TITLE ACT BRITISH COLUMBIA  
FORM 17 CHARGE, NOTATION OR FILING Feb-27-2020 09:25:10.023  
LAND TITLE AND SURVEY AUTHORITY

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that  
(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250, and that you are authorized to electronically sign this application by an e-filing direction made under section 168.22(2) of the act, and  
(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting document, if a true copy is allowed under an e-filing direction, is in your possession.

Scott Albert  
Ritter 2QZ2TW  
Digitally signed by Scott Albert Ritter 2QZ2TW  
Date: 2020.02.11 09:05:15 -08'00'

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

Scott Gateley Law Corporation

Barristers and Solicitors

921 H Canada Avenue

Duncan

BC V9L 1V2

Tel: 250-748-5857

Ref: G00814-004

Statutory Building Scheme - Single Residential Lots

Document Fees: \$74.16

Deduct L.T.S.A Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[legal description]

SEE SCHEDULE

STC? YES

3. NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:

STATUTORY BUILDING SCHEME

ADDITIONAL INFORMATION:

See attached Form 35

NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:

ADDITIONAL INFORMATION:

4. PERSON TO BE REGISTERED AS CHARGE OWNER: (including occupation(s), postal address(es) and postal code(s))

TRANSTIDE KINGSVIEW DEVELOPMENT LTD.

3378 DOUGLAS STREET

VICTORIA

V8Z 3L3

BRITISH COLUMBIA

CANADA

Incorporation No

BC1057148

FORM E7 V16

LAND TITLE ACT  
FORM E

SCHEDULE

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

Related Plan Number: **EPP99314**

STC for each PID listed below? YES

[PID]                    [LEGAL DESCRIPTION – must fit in a single text line]

- NO PID NMBR LOT 6 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 7 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 8 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 9 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 10 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 11 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 12 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 13 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 14 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 15 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 16 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 17 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 18 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
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- NO PID NMBR LOT 24 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 25 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 26 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 27 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 28 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 29 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 30 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 31 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 32 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 33 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 34 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 35 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314

FORM E7 V16

LAND TITLE ACT  
FORM E

SCHEDULE

PAGE 3 OF 13 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

Related Plan Number: **EPP99314**

STC for each PID listed below? YES

[PID] [LEGAL DESCRIPTION – must fit in a single text line]

- NO PID NMBR LOT 36 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 37 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 38 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 39 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 40 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 41 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 42 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 43 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 44 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 45 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 46 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 47 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 48 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 49 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 50 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 51 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 52 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 53 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 54 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 55 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 56 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 57 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 58 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 59 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 60 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 61 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 62 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 63 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 64 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314
- NO PID NMBR LOT 65 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314

FORM E7 V16

**LAND TITLE ACT  
FORM E**

**SCHEDULE**

PAGE 4 OF 13 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

Related Plan Number: **EPP99314**

STC for each PID listed below? YES

[PID]                    [LEGAL DESCRIPTION – must fit in a single text line]

**NO PID NMBR LOT 66 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314**

**NO PID NMBR LOT 67 SECTION 3 RANGE 4 COMIAKEN DISTRICT PLAN EPP99314**

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

DECLARATION OF BUILDING SCHEME

Page 1

NATURE OF INTEREST CHARGE: Building Scheme  
FEES OF: \$ \_\_\_\_\_

Address of person entitled to apply to register this building scheme:  
Transtide Kingsview Development Ltd. (Inc. No. BC1057148)  
c/o 3378 Douglas Street, Victoria, BC V8Z 3L3

Full name, address, and telephone number of person presenting application:  
Scott A. Ritter, Barrister and Solicitor  
Scott Gateley Law Corporation  
921 H. Canada Avenue, Duncan, BC V9L 1V2  
Tel: 250-748-5857

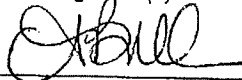
\_\_\_\_\_  
Signature of Applicant or  
Solicitor or Authorized Agent

I, Rafer Strandlund, Businessman of Victoria, BC declare that:

- I am the sole Director of Transtide Kingsview Development Ltd., the registered owner in fee simple of the following land (the "Lots");  
  
See Form E Schedule.
- Transtide Kingsview Development Ltd. hereby creates a building scheme relating to the Lots.
- A sale of any of the Lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.
- The restrictions will be for the benefit of all the Lots, provided, however, that I reserve the right to exempt any of the Lots remaining undisposed of by me from all or any of the restrictions and benefits.

Execution Date

Officer Signature(s)

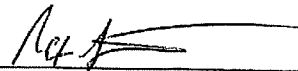


Angela Bull  
Commissioner for taking Affidavits  
for British Columbia  
Commission 2018-1091  
Expires July 31, 2021  
3378 Douglas Street  
Victoria, BC V8Z 3L3

Y	M	D
19	12	23

Transferor(s) Signature(s)

Transtide Kingsview Development  
Ltd. by its authorized signatory:



Name: Rafer Strandlund

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.

Land Title Act  
Form E  
Schedule

Page 2

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST  
APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT  
FORM

**SCHEDULE A**

1. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

NO PID	Lot 6 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 7 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 8 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 9 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 10 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 11 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 12 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 13 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 14 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 15 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 16 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 17 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 18 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 19 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 20 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 21 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 22 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 23 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 24 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 25 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 26 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 27 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 28 Section 3 Range 4 Comiaken District Plan EPP99314
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NO PID	Lot 34 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 35 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 37 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 38 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 39 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 40 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 41 Section 3 Range 4 Comiaken District Plan EPP99314
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NO PID	Lot 43 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 44 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 45 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 46 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 47 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 48 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 49 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 50 Section 3 Range 4 Comiaken District Plan EPP99314

Land Title Act  
Form E  
Schedule

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

Schedule A continued:

NO PID	Lot 51 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 52 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 53 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 54 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 55 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 56 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 57 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 58 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 59 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 60 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 61 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 62 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 63 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 64 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 65 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 66 Section 3 Range 4 Comiaken District Plan EPP99314
NO PID	Lot 67 Section 3 Range 4 Comiaken District Plan EPP99314

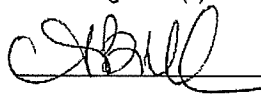
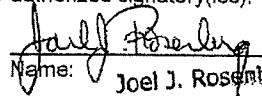
**Memorandum as to Encumbrances, Liens and Interests**

Mortgage CA5869704 and  
Assignment of Rents CA5869705

FISGARD CAPITAL CORPORATION (Incorp. No. C603095))

**CONSENT TO PRIORITY**

FISGARD CAPITAL CORPORATION of 3378 Douglas Street, Victoria, BC V8Z 3L3, being the holder of the encumbrance and entitled to the interests referred to in the memorandum above written, in consideration of the payment of TEN (\$10.00) DOLLARS by Transtide Kingsview Development Ltd. and other good and valuable consideration, hereby approved of, joins in and consents to the granting of the within Declaration of Building Scheme and does covenant and agree that the same shall be binding upon its interest in or charge upon the Lands and shall be an encumbrance upon the Lands prior to the above noted Mortgage CA5869704 and Assignment of Rents CA5869705.

<p>Officer Signature(s)</p>  <p>Angela Bull Commissioner for taking Affidavits for British Columbia Commission 2018-1091 Expires July 31, 2021 3378 Douglas Street Victoria, BC V8Z 3L3</p>	<p><b>Execution Date</b></p> <table border="1" style="border-collapse: collapse; width: 100px; height: 100px;"> <thead> <tr> <th style="padding: 5px;">Y</th> <th style="padding: 5px;">M</th> <th style="padding: 5px;">D</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; vertical-align: middle; padding: 5px;">19</td> <td style="text-align: center; vertical-align: middle; padding: 5px;">12</td> <td style="text-align: center; vertical-align: middle; padding: 5px;">23</td> </tr> </tbody> </table>	Y	M	D	19	12	23	<p>Transferor(s) Signature(s)</p> <p>Fisgard Capital Corporation by its authorized signatory(ies):</p>  <p>Name: <u>Joel J. Rosenberg</u></p> <p>Name: _____</p>
Y	M	D						
19	12	23						

**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 B

Page 5

Schedule of restrictions declared by Transtide Kingsview Developments Ltd. ("TKD") for each legal parcel charged by this Statutory Building Scheme from time to time and at any time each a "Lot".

**A. Construction of Improvements****1. Approval Required**

- a. *General.* There will not be erected, constructed or made on any Lot a residence, building, fence or other improvement or addition thereto, or alteration thereof, unless and until the proposal (which proposal is to include the name of the builder to be used) to erect such building or make such improvement, addition or alteration and proper plans, elevations and specifications thereof (setting forth all materials to be used including, without limitation, specification of colour of exterior finish and specification of roofing materials with details as to the quantities and qualities of all materials), together with a plan showing the location of the proposed residence, building fence or other improvements on the Lot with respect to the existing topography, finished ground elevations, and boundaries of such Lot and particulars of the alteration and improvement to be done in connection with such building will have been first submitted to and approved in writing by TKD, who will have the right and power to approve or reject the same, and to fix a limit as to the time during which approval will be valid, and a date for the completion of the work for which approval has been given.
- b. *HPO licencing.* No approval will be given by TKD for the construction of the first residence on a Lot unless TKD is satisfied, acting reasonably, that the proposed builder has been licensed as a residential builder by the Homeowner Protection Office.
- c. *Setback and siting.* No residence or other building will be erected on a Lot unless TKD approves the location (with respect to existing topography, finished ground elevations and the boundaries of the said Lot and adjacent Lots) of such residence or other building, and TKD will have the right to fix the distance at which such residence or other building will be built from the road, and from the lot lines at each side and at the rear of such residence or other building, and the approval in writing to the location will be obtained from TKD who will have full right and power to fix such distances as it deems desirable.

**2. Specific Restrictions**

The following restrictions apply to any proposed or constructed improvement on a Lot and will benefit and burden all Lots. Without limiting the generality of the foregoing, for the purposes of section A.1.a. TKD will not approve any proposal for a Lot that contravenes such restriction.

The minimum footprint area of the principal building on each Lot shall not be less than 1,200 square feet for a two (2) storey dwelling and 1,600 square feet for a one (1) storey dwelling, excluding garages, porches, verandas, balconies, terraces and basement areas.

**a. *Height***

- (i) No improvement shall be constructed on a designated Level Lot Single Storey ("LL 1S") higher than 6 M above the stated garage floor elevation;
- (ii) No improvement shall be constructed on a designated Level Lot Two Storey ("LL 2S") higher than 8.5 m above the stated garage floor elevation;
- (iii) No improvement shall be constructed on a designated Walkout Basement ("1D") higher than 6 M above the stated garage floor elevation;

- (iv) No improvement shall be constructed on a designated Second Storey Walkout ("1U") higher than 8.5 m above the stated Garage Floor Elevation;

as determined by TKD.

b. *Lot Grading*

- (i) No homes can be constructed other than in accordance with the grading plan designation specifying which Lots are approved for:
- One level homes;
  - Homes with walk-out basements;
  - Homes with second story walk-outs;
  - Two level homes.

c. *Exteriors*

No dwelling shall be constructed on a corner Lot or a Lot with frontages on two Streets unless both street facing elevations, in the opinion of TKD, have sufficient architectural detailing to convey an attractive appearance from the street.

No dwelling or other structure shall be constructed on any Lot unless all exterior finishes are in conformity with the following:

- (i) No vinyl siding shall be used on any dwelling or other structure constructed on a Lot.
- (ii) No siding shall be used on any dwell or other structure constructed on a Lot other than:
- Wood siding;
  - Stone;
  - Acrylic stucco, provided that acrylic stucco shall not cover more than 20% of the area; and
  - Materials that replicate the above materials.
- (iii) No siding shall be used on the front of any dwelling unless it includes an element of stone (or materials that replicate stone) that represents at least 15% of the surface area of the front wall of the dwelling.
- (iv) The exterior of any improvement (including, without limitation, cladding, masonry, trim soffits, gutter and downspouts) may not include more than three colours.
- (v) No foundation walls of any dwelling or other structure on a Lot over sixty-one (61 cm) centimetres in height shall be constructed unless the surface of such walls in excess of sixty-one (61 cm) centimetres in height are covered with exterior finishing materials to match the exterior of the dwelling or other structure.

d. *Roofs*

- (i) No improvement is permitted to have a roof finishing comprised of clay tile, glazed tile, ceramic tile, metal reflective material, pine or cedar shingles, or asphalt shingles.

- (ii) No improvement is permitted to have a roof finishing comprised of materials other than Malarkey Legacy XL shingles in Midnight Black or Storm Grey, or an equivalent product approved by TKD.
  - (iii) No improvement is permitted to have soffits comprised of plywood or Masonite.
  - (iv) No roof with a pitch in excess of  $\frac{1}{4}$  is permitted.
  - (v) No mechanical equipment such as an elevator shaft housing, heat pumps and air conditioning may be installed on a roof.
- e. *Fences*
- (i) No fence may be constructed in front yards of Lots.
  - (ii) No fences on side yards shall extend further towards the front of the Lot than the front of the house.
  - (iii) No fences shall be constructed of materials other than cedar unless otherwise approved by TKD, or hedges that serve as fences along property lines.
  - (iv) No fences or hedges shall be higher than 1.83 m.
  - (v) No wire fencing (including page wire, barbed wire, chicken wire) shall be constructed or installed on a Lot.
- f. *Retaining Walls*
- (i) No retaining walls with exposed surfaces over sixty-one (61cm) centimetres in height shall be constructed unless the exposed walls are architecturally treated by thorough sandblasting, board forming, exposed aggregate or covered with exterior finishing material that blends in with the other improvements on a Lot.
  - (ii) No retaining walls over one hundred twenty-two (122cm) may be constructed. No total rise in retaining structures shall exceed one hundred twenty-two (122cm) centimetres except where retaining walls of not 122cm are separated by terraces of not less than 61cm in depth.
  - (iii) No retaining wall may be constructed other than as approved by a qualified geotechnical engineer.
- g. *Parking and Driveways*
- (i) No lot is permitted to have fewer than two enclosed parking spaces.
  - (ii) No driveways or other vehicular access on a Lot, or to improvements on a Lot, shall be constructed unless the materials used consist of concrete, interlocking paving stones, exposed aggregate, or a combination thereof.
  - (iii) No gravel driveways shall be constructed on a Lot.
  - (iv) No asphalt driveways shall be constructed on a Lot.
  - (v) No driveways shall be constructed on a Lot that do not extend to the front curb or sidewalk crossing.

h. *Energy Efficiency*

- (i) No homes will be approved for construction on a Lot that do not:
  - a. Accommodate a Type 2 electric vehicle charging unit.
  - b. Have an Energuide rating of 80 or higher (or meet an equivalent standard).
  - c. Have conduits installed for future solar voltaic panels.

**B) Yard and Landscaping Matters****1. Landscaping**

- a. The proportion of lawn coverage to combined tree, shrub and flower bed coverage (net of driveways, sidewalks and patios) shall not be permitted to exceed 60% in front yards and 75% in back yards.
- b. No lawn areas will be installed with less than 300mm topsoil with minimum 8% organic material (to Section 6 of BC Landscape Standards for grassed areas), and signed off by a certified Landscape Architect to confirm the minimum standards are met, including topsoil depth.
- c. No Landscaping shall be without selective use of bark mulch, shrubs, flowers, trees and lawn and no Landscaping shall include underbrush, small growth, dead trees or debris.
- d. No tree now standing on a Lot will be cut or removed except with the written consent of TKD, and no tree, hedge, or shrub on a Lot will be permitted to grow to a height exceeding that from time to time approved by TKD.
- e. No shrubs or flower beds are permitted unless they are irrigated with a drip-line irrigation system.

**2. General**

- a. No satellite dish may be installed on the front elevation of a residence or other building, and no satellite dish may exceed 0.6 metres in height.
- b. No mobile home, trailer or similar structure situated on a Lot will be used as residence or living quarters.
- c. No billboard, placard, advertising or other sign is permitted to be erected on a Lot or on the exterior of a residence or building thereon other than a "For Sale" or "For Rent" sign not exceeding 0.5 square metres.
- d. No poles, masts, clothesline or similar structures may be erected on a Lot.
- e. No truck, recreational vehicle or commercial vehicle with a capacity exceeding 1 tonne, salvage material, goods intended for commercial use or sale or inoperative or partially dismantled motor vehicle may be stored on a Lot other than in an enclosed garage.
- f. No poultry, swine, sheep cattle or other livestock may be kept on a Lot. No domestic bird may be housed outside of a residence on a Lot.
- g. No construction materials are to be stored on an Owner's Lot except for the construction of approved Works on that Owner's own Lot during the course of construction.

- h. No Construction debris, waste materials, or excess materials shall be allowed to accumulate on any Lot during construction or at the conclusion of construction of Works.
- i. No Owner shall allow a Lot or Works on a Lot to become unsightly, untidy or fall into disrepair.
- j. No waste materials or refuse of any kind shall be allowed to accumulate on any Lot. No logs shall be stored on any Lot and no cut firewood shall be kept outside of a dwelling unless it is neatly stacked at the side or rear of the dwelling and out of view from the street.
- k. No garbage receptacles, compost heaps or composters shall be stored on any Lot unless they are screened from view of the street.
- l. No gas or electrical meters shall be installed on the wall of any dwelling that faces the street.

**C) Miscellaneous**

1. Delegation. Wherever and whenever the approval or consent of TKD is required to be obtained, such approval or consent may be given by such officer, agent, committee, person or persons as may from time to time be nominated, appointed or designated in writing by TKD, and such nominee, appointee or designate will have the right to withhold approval or consent and may reject any matter or thing submitted for approval or consent provided that such right is exercised in accordance with the terms and conditions of this Statutory Building Scheme.
2. Expiry. It is expressly agreed between the parties hereto that this Statutory Building Scheme and all covenants, restrictions and provisos contained herein will be null and void and of no further force or effect as of December 31, 2053.

IN WITNESS WHEREOF the parties have executed this Agreement by executing the Form 35 attached hereto and agree to be bound by its terms.

**LAND TITLE ACT  
FORM DECLARATION**

**Related Document Number: CA8056930**

PAGE 1 OF 6 PAGES

Your electronic signature is a representation that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting document, if a true copy is allowed under an e-filing direction, is in your possession.

<b>Scott Albert Ritter 2QZ2TW</b>	Digitally signed by Scott Albert Ritter 2QZ2TW
	Date: 2020.03.18 11:48:33 -07'00'

I, Scott A. Ritter, declare that:

1. On February 27, 2020 a Statutory Building Scheme with attached Form 35 was filed under CA8056930 to be filed on the titles of proposed Lots 6 to, and including Lot 67, all of Section 3, Range 4, Comiaken District, Plan EPP99314.
2. The Schedule B restrictions, pages 5 to 9, are hereby removed and replaced with the Schedule B restrictions attached hereto.
3. The parties to the Statutory Building Scheme agree to this amendment.

I make this declaration and know it to be true based on personal information.

\_\_\_\_\_  
 Scott A. Ritter  
 Barrister and Solicitor

**NOTE:**

A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.

**Fee Collected for Document: \$13.91**

**SCHEDULE B**

Schedule of restrictions declared by Transtide Kingsview Developments Ltd. ("TKD") for each legal parcel charged by this Statutory Building Scheme from time to time and at any time each a "Lot".

**A. Construction of Improvements****1. Approval Required**

- a. *General.* There will not be constructed, placed, erected or maintained on any Lot any dwelling, building or other improvements (a "dwelling" or a "house") unless plans and specifications showing compliance in all respect with these restrictions and showing elevations, siting, size, colour scheme and all materials to be used have been submitted (in duplicate) to TKD who shall have the right and power to accept or reject whether such plans and specifications comply with these restrictions; and construction shall include grading, filling or other preparatory work on the Lot.
- b. *Process for Design Guidelines Review and Plan Review.* No work may commence on a Lot before:
  - (i) an initial proposal is submitted to TKD for the type of housing and landscaping being contemplated. This preliminary review will check design and quality to ensure compliance with these restrictions; and
  - (ii) TKD grants written notice to a builder or owner that the proposed building plans comply with the restrictions herein.
- c. *Initial Proposal.* The builder or owner must submit copies of the following information to TKD:
  - (i) construction drawings, details and elevations at a scale of 1/4" = 1'-0 or metric equivalent;
  - (ii) a comprehensive list of materials, cladding, roofing, windows, trim and colours of all items intended for use on the exterior of the building. Sample colours must be provided;
  - (iii) a proposed landscape plan indicating existing and proposed lot grades, walkways, driveways and plant placements.
- d. *Building Permit.* No builder or owner may make an application to the Municipality of North Cowichan for a Building Permit until the plans have been approved by TKD.

**2. Specific Restrictions**

The following restrictions apply to any proposed or constructed improvement on a Lot and will benefit and burden all Lots. Without limiting the generality of the foregoing, for the purposes of section A.1 TKD will not approve any proposal for a Lot that contravenes such restriction.

The minimum footprint area of the principal building on each Lot shall not be less than 1,200 square feet for a two (2) storey dwelling and 1,600 square feet for a one (1) storey dwelling, excluding garages, porches, verandas, balconies, terraces and basement areas.

a. *Height*

- (i) No improvement shall be constructed on a designated Level Lot Single Storey ("LL1S") higher than 6 M above the stated garage floor elevation;
- (ii) No improvement shall be constructed on a designated Level Lot Two Storey ("LL2S") higher than 8.5 M above the stated garage floor elevation;
- (iii) No improvement shall be constructed on a designated Walkout Basement ("1D") higher than 6 M above the stated garage floor elevation;
- (iv) No improvement shall be constructed on a designated Second Store Walkout ("1I") higher than 8.5 M above the stated Garage Floor Elevation;

b. *Lot Grading*

- (i) No homes can be constructed other than in accordance with the grading plan designation specifying which Lots are approved for:
  - One level homes;
  - Homes with walk-out basements;
  - Homes with second story walk-outs;
  - Two level homes.

c. *Exteriors*

No dwelling shall be constructed on a corner Lot or a Lot with frontages on two streets unless both street facing elevations are architecturally detailed as street elevations

No dwelling or other structure shall be constructed on any Lot unless all exterior finishes are in conformity with the following:

- (i) No vinyl siding shall be used on any dwelling or other structure constructed on a Lot.
- (ii) No siding shall be used on any dwell or other structure constructed on a Lot other than:
  - Wood siding;
  - Stone;
  - Acrylic stucco, provided that acrylic stucco shall not cover more than 20% of the area; and
  - Materials that replicate the above materials.
- (iii) No siding shall be used on the front of any dwelling unless it includes an element of stone (or materials that replicate stone) that represents at least 15% of the surface area of the front wall of the dwelling.
- (iv) The exterior of any improvement (including, without limitation, cladding, masonry, trim soffits, gutter and downspouts) may not include more than three colours.
- (v) No foundation walls of any dwelling or other structure on a Lot over sixty-one (61 cm) centimetres in height shall be constructed unless the surface of such walls in excess of sixty-one (61 cm) centimetres in height are covered with exterior finishing materials to match the exterior of the dwelling or other structure.



- d. *Roofs*
- (i) No improvement is permitted to have a roof finishing comprised of clay tile, glazed tile, ceramic tile, metal reflective material, pine or cedar shingles, or asphalt shingles.
  - (ii) No improvement is permitted to have a roof finishing comprised of materials other than Malarkey Legacy XL shingles in Midnight Black or Storm Grey, or equivalent product.
  - (iii) No improvement is permitted to have soffits comprised of plywood or Masonite.
  - (iv) No roof with a pitch in excess of a 3" of rise in 12" of run, is permitted.
  - (v) No mechanical equipment such as an elevator shaft housing, heat pumps and air conditioning may be installed on a roof.
- e. *Fences*
- (i) No fence may be constructed in front yards of Lots.
  - (ii) No fences on side yards shall extend further towards the front of the Lot than the front of the house.
  - (iii) No fences shall be constructed of materials other than cedar, architectural concrete, PVC or hedges that serve as fences along property lines.
  - (iv) No fences or hedges shall be higher than 1.83 m.
  - (v) No wire fencing (including page wire, barbed wire, chicken wire) shall be constructed or installed on a Lot.
- f. *Retaining Walls*
- (i) No retaining walls with exposed surfaces over sixty-one (61cm) centimetres in height shall be constructed unless the exposed walls are architecturally treated by thorough sandblasting, board forming, exposed aggregate or covered with exterior finishing material that blends in with the other improvements on a Lot.
  - (ii) No retaining walls over one hundred twenty-two (122cm) may be constructed. No total rise in retaining structures shall exceed one hundred twenty-two (122cm) centimetres except where retaining walls of not 122cm are separated by terraces of not less than 61cm in depth.
  - (iii) No retaining wall may be constructed other than as approved by a qualified geotechnical engineer.
- g. *Parking and Driveways*
- (i) No lot is permitted to have fewer than two enclosed parking spaces.
  - (ii) No driveways or other vehicular access on a Lot, or to improvements on a Lot, shall be constructed unless the materials used consist of concrete, interlocking paving stones, exposed aggregate, or a combination thereof.
  - (iii) No gravel driveways shall be constructed on a Lot.

- (iv) No asphalt driveways shall be constructed on a Lot.
- (v) No driveways shall be constructed on a Lot that do not extend to the front curb or sidewalk crossing.
- h. *Energy Efficiency*
  - (i) No homes will be approved for construction on a Lot that do not:
    - a. Accommodate a Type 2 electric vehicle charging unit.
    - b. Have an Energuide rating of 80 or higher (or meet an equivalent standard).
    - c. Have conduits installed for future solar voltaic panels.

**B) Yard and Landscaping Matters**

**1. Landscaping**

- a. The proportion of lawn coverage to combined tree, shrub and flower bed coverage (net of driveways, sidewalks and patios) shall not be permitted to exceed 60% in front yards and 75% in backyards.
- b. No lawn areas will be installed with less than 300mm topsoil with minimum 8% organic material and signed off by a certified Landscape Architect to confirm the minimum standards are met, including topsoil depth.
- c. No Landscaping shall be without selective use of bark mulch, shrubs, flowers, trees and lawn and no Landscaping shall include underbrush, small growth, dead trees or debris.
- d. No shrubs or flower beds are permitted unless they are irrigated with a drip-line irrigation system.

**2. General**

- a. No satellite dish may be installed on the front elevation of a residence or other building, and no satellite dish may exceed 0.6 metres in height.
- b. No mobile home, trailer or similar structure situated on a Lot will be used as residence or living quarters.
- c. No billboard, placard, advertising or other sign is permitted to be erected on a Lot or on the exterior of a residence or building thereon other than a "For Sale" or "For Rent" sign not exceeding 0.5 square metres.
- d. No poles, masts, clothesline or similar structures may be erected on a Lot.
- e. No truck, recreational vehicle or commercial vehicle with a capacity exceeding 1 tonne, salvage material, goods intended for commercial use or sale or inoperative or partially dismantled motor vehicle may be stored on a Lot other than in an enclosed garage.
- f. No poultry, swine, sheep cattle or other livestock may be kept on a Lot. No domestic bird may be housed outside of a residence on a Lot.
- g. No construction materials are to be stored on an Owner's Lot except for the construction of approved Works on that Owner's own Lot during the course of construction.
- h. No Construction debris, waste materials, or excess materials shall be allowed to accumulate on any Lot during construction or at the conclusion of construction of Works.

- i. No logs shall be stored on any Lot and no cut firewood shall be kept outside of a dwelling.
- j. No garbage receptacles, compost heaps or composters shall be stored on any Lot unless they are screened from view of the street.
- k. No gas or electrical meters shall be installed on the wall of any dwelling that faces the street.

**C) Miscellaneous**

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