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LAND TITLE OFFICE  
VICTORIA

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Land Title Act

FORM 35  
(Section 216(1))

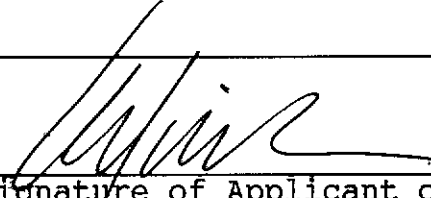
DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST: CHARGE: BUILDING SCHEME

HEREWITH FEE OF: \$ \_\_\_\_\_

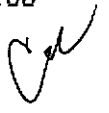
Address of person entitled to apply to register this building scheme:

MARK W.L. LINDHOLM  
Barrister and Solicitor  
Main Floor, 525 Head Street  
Victoria, B.C. V9A 5S1  
383-5678



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

09/09/94 B3490b CHARGE 50.00



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I, MARK W.L. LINDHOLM, declare that:

1. CHANNEL RIDGE PROPERTIES LIMITED is the registered owner in fee simple of the following lands (hereinafter called "the Lots")

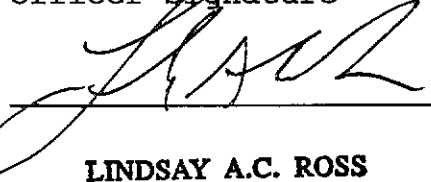
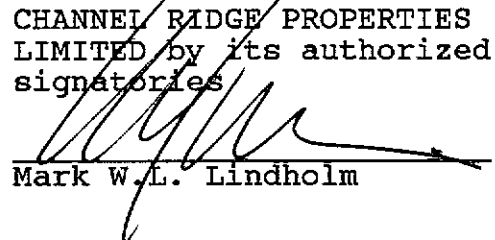
Lots 1, 2, 6, Section 11, Range 2 West, Lots 3, 4, Ranges 1 and 2 West, Lots 5, 7, Sections 11 and 12, Ranges 1 and 2 West, Lots 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, Section 12, Range 2 West, Lots 9, 10, 11, 12, Sections 11 and 12, Range 2 West, North Salt Spring Island, Cowichan District, Plan VIP 59518.

2. It 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.

EXECUTIONS:

Officer Signature	Execution Date Y/M/D	Party(ies) Signature
	94 9 8	CHANNEL RIDGE PROPERTIES LIMITED by its authorized signatories  Mark W.L. Lindholm
<b>LINDSAY A.C. ROSS</b> Pearlman & Lindholm Barristers & Solicitors 3rd Floor - 736 Broughton St. Victoria, B.C. V8W 1E1		

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.



**CHANNEL RIDGE PROPERTIES LTD.****BUILDING SCHEME RESTRICTIONS AND DESIGN GUIDELINES**

The restrictions set forth herein shall be in addition to and not in derogation of the bylaws from time to time of the Islands Trust, any development agreement between the Islands Trust and Channel Ridge Properties Ltd. and the obligations and liabilities imposed by statute or common-law on the owners or occupiers from time to time of the within lots, all of which shall be duly observed and complied with.

For the purposes of these Building Scheme Restrictions and Guidelines, reference to Channel Ridge Properties shall mean and is hereby defined as "Channel Ridge Properties Ltd." and/or any person or company designated to act on behalf of such company.

**PART I****I. SUBMISSION REQUIREMENTS**

1. No building permit for any building, residence or other improvement shall be applied for in respect of construction on any of the lots until two (2) sets of complete design and construction plans, together with samples and listing of exterior finishing materials, have been submitted to Channel Ridge Properties for approval and written approval has been given. Channel Ridge Properties reserves the absolute right to approve or reject any plan or specifications so submitted. Upon granting approval, Channel Ridge Properties shall be entitled to retain one (1) copy of construction plan documentation submitted with one (1) complete set being returned to the applicant as approved.
2. The construction of any building, residence, or other improvements shall commence within six (6) months of the date of receiving approval from Channel Ridge Properties for such construction and in the event that construction is not commenced within the stipulated time period, the consent and approval of Channel Ridge Properties shall be null and void.
3. For the purposes of the foregoing provisions, the applicant shall include the owner of a lot within the subdivision or a person or a company retained or employed on behalf of the owner for the purposes of constructing a residential dwelling and/or other improvements on a lot.
4. Channel Ridge Properties reserves the right at its sole discretion to grant approval on home designs which do not meet with the criteria set out herein in all aspects if in the sole opinion of Channel Ridge Properties the design is architecturally acceptable.
5. Channel Ridge Properties may in its sole discretion waive any restriction herein contained as it applies to any lot which remains undisposed of by Channel Ridge at the time such exemption takes effect.
6. Landscaping must be completed, weather permitting, within one hundred eighty (180) days of occupancy of a residential home constructed on a lot.

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**II. RESTRICTIONS**

7. Subject always to any applicable municipal building requirements, any dwelling house, garage, shed, outbuilding, greenhouse or any other structure whatsoever other than a fence shall be constructed on Lots 1 to 22, inclusive, within the building envelope of each lot as shown on the plan annexed hereto as Schedule "A" or upon such other site within the lot as Channel Ridge Properties shall hereafter agree upon in writing. (For registered copy of Schedule "A" see Explanatory Plan VIP 59570).

8.(a) Each lot in the subdivision is capable of being connected to the common sewage disposal system owned and operated by Channel Ridge Environmental Systems Ltd., a wholly-owned subsidiary of Channel Ridge Properties Ltd. Pursuant to the Waste Management Permit issued in respect of the sewage disposal system discharge of waste water into the system must be carefully controlled.

No residence or other structure erected on a lot shall:

- (i) have more than 3 bedrooms;
- (ii) have an "in-law" suite or guest suite;
- (iii) have a garberator installed.

(b) No owner or occupier of a residence shall empty or discharge any hot tub, swimming pool, ornamental pool or similar reservoir of water containing more than 50 imperial gallons of water into the common sewage disposal system operated by Channel Ridge Environmental Systems Ltd.

(c) Water Conservation

Channel Ridge recognizes that potable water is a valuable resource which should be conserved. Accordingly, all building plans shall specify all toilets to be water saving toilets requiring no more than 2.9 imperial gallons of water to flush.

In addition, Channel Ridge encourages use of low flow shower heads and mixing or aerator faucets on all sinks.

9. No lot owner shall cut or cause to be cut any mature trees within three (3) metres of any boundary of any lot without the consent of Channel Ridge Properties. No lot owner shall cut or cause to be cut any mature tree within three (3) metres of any lot boundary of a lot which adjoins a road except for the purposes of constructing a driveway, which driveway shall not exceed six metres in width, without the consent of Channel Ridge Properties. (A mature tree is any specie of tree growing upon the lot more than 12 inches in diameter three feet above the ground level).

10. No building shall be erected on any of the lots for use as a dwelling house unless the same shall have a minimum living area of one thousand four hundred (1,400) square feet exclusive of garages, sundecks and other annexures and a minimum total living area of not less than one thousand (1,000) square feet on the main floor if more than one storey.

*Schedule A is a  
copy of VIP 59770*

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11. Exterior finishes of all buildings to be constructed on the lot shall be completed within one hundred twenty (120) days of commencement of construction thereof and the entire building shall be substantially completed in accordance with these restrictions and the design guidelines included herein and an Occupancy Permit issued in respect thereof by the appropriate municipal authority within one hundred twenty days (120) days of commencement of construction.
12. The same or similar type of home may not be constructed closer than three (3) lots apart on either side or both sides of a street and for the purposes hereof, changes of exterior materials or a reversal of a house plan will not be deemed compliance with this provision.
13. No residential dwelling shall be occupied by any person or persons unless or until such dwelling, including the exterior thereof, is substantially complete and an Occupancy Permit has been obtained from the appropriate municipal authority.
14. No owner or occupier of any lot shall cause, commit, suffer, authorize or permit any act of nuisance to emanate or originate from his lot.
15. No commercial vehicles or machinery in the nature of logging trucks, bulldozers, dumptrucks or like vehicles shall be parked on or about any of the lots except for the specific purpose of doing construction or maintenance work upon any of the lots for the improvement and benefit thereof or for temporary parking for the purposes of conducting regular business in and about any of the lots and further there shall not be stored, kept or permitted to be stored or kept on any lot or street adjacent to any lot, any wrecked or partially wrecked motor vehicles or parts related thereto or any salvage material or junk or goods nor shall refuse or waste be kept on any lot; provided, however, that recreational vehicles, (including travel trailers and boats) may be stored or parked on a lot provided that it is screened from the view of neighbouring lot owners' residences within the Channel Ridge development.
16. There shall be no parking of any heavy-duty trucks, machinery or other similar equipment either on the lot or any street adjacent to any lot.
17. No owner or occupier shall keep or permit to be kept animals of any kind or description whatsoever except for usual domesticated household pets, which household pets shall be kept within the owners' lot boundary and not allowed to run free.
18. No pigeon coops or other facilities for birds or fowl are to be maintained or kept on a lot.
19. No satellite receiving dishes, television antennae, short wave aeriels, clothes line or any erections of a similar or like nature shall be permitted to be placed on roof tops or visible from any street or any lot in the Channel Ridge development.
20. No swimming pool filters and/or heating units will be permitted on the lots unless contained in a structural enclosure designed to be architecturally compatible with the residential building.
21. No garden storage sheds nor greenhouses shall be permitted on the lots unless situated in yard areas with low visibility from fronting streets and in the case of greenhouses only those constructed from glass will be permitted. Any garden shed, outbuilding or greenhouse shall be designed to be architecturally compatible with the

residential building. No garden shed, garage or outbuilding may be constructed unless a Building Permit has also issued for a residential dwelling.

22. No trash cans shall be maintained on the lot unless stored in enclosures or screened areas not visible to the fronting street or any other lot in the Channel Ridge Project.

23. No solar heat collectors from swimming pools or domestic water and heat collection shall be permitted on any roof surfaces visible to fronting streets.

24. No changes shall be made to the lot grading that will create drainage problems for a new construction on such lot or neighbouring buildings or properties and excavation fill and extraneous materials shall be removed from the building site and disposed of as directed by Channel Ridge Properties.

25. All driveways shall be paved with either black asphalt or exposed sealed aggregate concrete with a maximum aggregate size of 3/8ths of an inch or paved with paving brick or interlocking pavers.

26. All sidewalks and driveways shall be paved within sixty (60) days of completion of any residence or constructed on the lot but only after the need for heavy machinery on the building site has passed.

27. No substantial changes to the contours and grades of a lot shall be permitted unless pre-approved by Channel Ridge Properties and where retaining walls are required by grade changes, consideration must be given to adjacent properties as follows:

- (a) on developed lots existing grades and retaining walls shall be matched; and
- (b) on undeveloped adjacent lots, final grading of the construction site shall be set so as to establish a reasonable basis for the development of the adjacent lots to meet these grades.

28. Retaining walls required to suit the grade conditions shall be constructed from either brick veneer, face concrete, split-faced stone, stone veneer concrete, exposed aggregate concrete with an aggregate size not to exceed 3/8ths of an inch or pressure treated landscaped timbers. No creosote railway ties or raw concrete will be used in connection with construction of retaining walls and brick or stone veneers used for the purpose shall match any brick or stone applications to the building faces.

29. In the event of any breach of any one or more of the restrictions herein contained, Channel Ridge Properties shall have the right but shall not be obligated to enter upon the lot and take whatever steps are necessary to cure such breach at the expense of the owner of the lot being in breach and any cost and expenses related thereto shall constitute a charge upon the owner's lot and may be collected by Channel Ridge Properties as justly due and owing.

30. Nothing herein contained shall be construed or implied as imposing upon Channel Ridge Properties, its agents or employees, any liability in the event of non-compliance or non-fulfillment of any of the terms, restrictions and benefits set forth herein and no liability or responsibility whatsoever shall be incurred by Channel Ridge

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Properties, its agents or employees in performance or non-performance of their rights and obligations herein.

31. No lot shall be subdivided or altered in its boundaries without the consent of Channel Ridge Properties save a plan of subdivision required by any appropriate municipal authority or the Province of British Columbia for dedication of road, park or other similar public purpose.

32. No mobile home or trailer may be kept on any lot for use as a temporary or permanent dwelling.

33. No house or accessory building erected on any lot shall be used for any purpose other than as a private residence or hobby area, except for arts, crafts and professional occupations engaged in solely by the residents of the dwelling house erected upon the lot.

34. Hunting or the discharge of any firearm, save in self-defence, is prohibited on any lot.



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**PART 2****III. ARCHITECTURAL DESIGN GUIDELINES**

All construction on the lots or any of them shall comply with the following design guidelines.

1. No building shall be constructed on a lot more than two (2) stories or twenty-five (25) feet in height above the average grade elevation of the building site without the consent of Channel Ridge Properties.
2. Basement area shall have a finished floor with an average elevation of no less than six (6) feet below average grade at building line. Basement windows will not be allowed on the street facing elevations except situations where architectural merit of such window is illustrated and approved by Channel Ridge Properties.
3. Exterior design elements and finishes submitted for approval shall apply to all elevations of the building.
4. Areas of exposed raw concrete for basements and/or foundations shall not exceed eighteen (18) inches vertical dimension above grade on sloping elevations or triangular areas of exposed concrete larger than four (4) square feet.
5. Brick or rock veneers to buildings is highly encouraged on all houses to set the tone for the neighbourhood with the following rules of application:
  - (a) No used brick or brick in white, concrete or garish colours to be used;
  - (b) Brick or rock veneer shall return on side elevations to either an architectural termination point such as chimney, or to a minimum side return of two (2) feet horizontal dimension;
  - (c) Brick shall not be larger than two and one-half (2 1/2) inches by seven and one-half (7 1/2) inches;
  - (d) No retaining wall shall be more than three (3) feet high.
6. Rooflines shall conform to the roofing stipulations as follows:
  - (a) No flat roofs are permitted;
  - (b) Roofing materials shall be either pressure treated shingles, natural wood shakes or concrete roof tiles;
  - (c) No metal roofing or duroid shingles are permitted;
  - (d) Hidden roof gutters are preferred, however, fascia boards on this type of gutter shall be continuous length where possible and flashings shall be painted to blend with exterior trim.
7. Exterior treatments to buildings shall be either cedar siding, brick, rock or stucco used in conjunction with another approved exterior treatment. Diagonal or angle siding shall not be accepted. In addition, siding shall be oriented in one direction per elevation or architectural feature. Any cedar siding shall always be *select grade, pre-stained*.

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8. Stucco finishes shall be rendered in tones suitable to the area. Houses with stucco finishes shall make use of stain or painted frieze, barge and trim boards to delineate the lines of the house and to trim windows. Stucco finishes shall be sand float; heavy splash textures, spanish or decorative trowelling is not permitted. Houses may not be finished completely in stucco, but stucco may be used together with other permitted exterior finishes.

9. Exposed metal chimneys are not permitted.

10. Subject to approval by Channel Ridge Properties, enclosed double car garages with doors may be detached from the main residence building if site conditions permit as determined by Channel Ridge Properties in its sole discretion. Open carports are not permitted.

11. Fencing shall be constructed from cedar, wood or natural stone or other approved materials. No chainlink or barbed wire fences shall be permitted on any lot. Wooden fences shall be finished in a natural colour stain. No hedge or other planted natural screen nor any fence shall be permitted to exceed seven (7) feet in height. Fence details shall be submitted with the building plan for approval.

12. House designs shall avoid box-like configurations. Two-storey buildings shall have the second floor set back from the main floor building face sufficient to provide a substantial roof line shoulder along the front elevation. Houses built on corner lots shall have both street fronting elevations conforming to the design guideline set out herein.

13. Main floor level porches or decks must be designed to complement the architecture of the building. Contrived or nonfunctional front porches shall not be permitted. Crawl spaces below front porches shall be enclosed and screened with either exterior cladding to match the house or tight lattice work.

14. Acceptable exterior colors shall be natural tones, low contrast or high contrast or heritage colors and subtle pastels with contrasting trims. Paint/stucco colour chips and brick and stone samples must be submitted with the applications for plan approval.

15. No exterior electrical meters shall be placed on street facing elevation unless housed in a properly finished enclosure.

16. Any sign to be erected on any part of any lot which is visible from the roadway within the Channel Ridge project (including any sign offering any lot for sale) must be approved by Channel Ridge Properties. No sign board may be larger than 3 feet by 3 feet. Only one sign per lot is permitted except during construction of any improvements.

Carved wooden signs, stone pillars, or tastefully painted wooden signs which are architecturally compatible with surrounding homes and environment is required. All signs relating to or advertising construction services shall be removed within forty-one days of substantial completion of the construction project to which the sign relates.