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EX023272

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LAND TITLE ACT

FORM 35
(section 220(1))

DECLARATION OF BUILDING SCHEME

Nature of Interest Charge: STATUTORY BUILDING SCHEME

Herewith Fees of: \$60.00

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CHARGE \$64.75

Address of person entitled to apply to register this Building Scheme:

SILVER SPRAY INVESTMENTS INC.	and	SPIKE LEVINE INVESTMENTS INC.
307 - 100 West Pender Street,		1704 - 63 St. Clair Street West
Vancouver, British Columbia		Toronto, Ontario
V6G 1R8		M4V 2Y9

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

COX, TAYLOR - Barristers and Solicitors
Burnes House, Third Floor, 26 Bastion Square
Victoria, British Columbia
V8W 1H9
(250) 388-4457

WENDY SMITH REGISTRY

Signature of Solicitor

We, Silver Spray Investments Inc. and Spike Levine Investments Inc., hereby declare that:

- Silver Spray Investments Inc. and Spike Levine Investments Inc. are the registered owners in fee simple of the following lands (the "Lots"):

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EX 12310

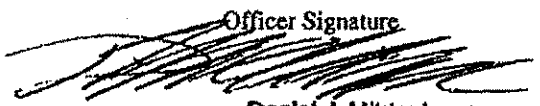
Parcel Identifier	Description
026-178-873	Strata Lot 1, Section 78, Sooke District, Strata Plan VIS5699
026-178-881	Strata Lot 2, Section 78, Sooke District, Strata Plan VIS5699
026-178-890	Strata Lot 3, Section 78, Sooke District, Strata Plan VIS5699
026-178-903	Strata Lot 4, Section 78, Sooke District, Strata Plan VIS5699
026-178-911	Strata Lot 5, Section 78, Sooke District, Strata Plan VIS5699
026-178-920	Strata Lot 6, Section 78, Sooke District, Strata Plan VIS5699
026-178-938	Strata Lot 7, Section 78, Sooke District, Strata Plan VIS5699
026-178-946	Strata Lot 8, Section 78, Sooke District, Strata Plan VIS5699
026-178-956	Strata Lot 9, Section 78, Sooke District, Strata Plan VIS5699
026-178-962	Strata Lot 10, Section 78, Sooke District, Strata Plan VIS5699
026-178-971	Strata Lot 11, Section 78, Sooke District, Strata Plan VIS5699
026-178-989	Strata Lot 12, Section 78, Sooke District, Strata Plan VIS5699
026-178-997	Strata Lot 13, Section 78, Sooke District, Strata Plan VIS5699
<u>026-180-006</u>	Strata Lot 14, Section 78, Sooke District, Strata Plan VIS5699

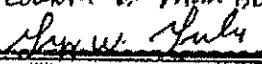
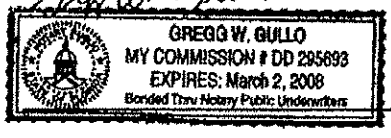
PD #S
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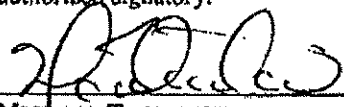
- 2. The Developer hereby creates a Building Scheme relating to the Lots.
- 3. A sale of any of the Lots is subject to the restrictions enumerated in the schedules attached or annexed hereto.
- 4. The restrictions shall be for the benefit of all Lots.


EXECUTIONS

Officer Signature

 Daniel J. Mildemberger
 Barrister and Solicitor
 26 Basilion Square
 Victoria, B.C. V8W 1H9
 388-4457

STATE OF FLORIDA
 COUNTY OF PALM BEACH




Execution Date		
Y	M	D
05	3	1
05	2	22

Party's Signature
 SILVER SPRAY INVESTMENTS INC. by its authorized signatory:

 MICHAEL THORNTON

SPIKE LEVINE INVESTMENTS INC. by its authorized signatory:

 MICHAEL LEVINE


CONSENT AND PRIORITY AGREEMENT OF CHARGEHOLDERS

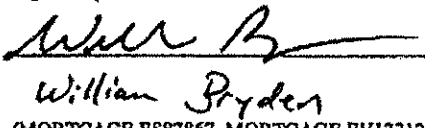
The Royal Bank of Canada and Arthur Services Ltd., holders of the following registered charges, consent to registration of the above Declaration of Building Scheme and agree that it shall have priority over our respective charges.

Officer Signature

 ANDREW P. JACKSON
 Barrister & Solicitor
 2100 - 1076 West Georgia Street
 Vancouver, B.C. V6E 3G2
 604-631-3124


MARK V. LEWIS
 BARRISTER & SOLICITOR
 1200 Waterfront Centre, 200 Burrard Street
 P.O. Box 48600, Vancouver, Canada V7X 1T2
 (604) 640-4143

Execution Date		
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Party's Signature
 ROYAL BANK OF CANADA, by its authorized signatory:

 TRACY CANNON

(MORTGAGE ET18263, ASSIGNMENT OF RENTS ET18264, MORTGAGE ET63097, MORTGAGE EV44663 MORTGAGE EW14525)
 ARTHUR SERVICES LTD. by its authorized signatory:

 William Bryden
 (MORTGAGE ES87867, MORTGAGE EV137122)
 EV137122

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. PLAN APPROVAL

1.1 There shall not be constructed, placed, erected or maintained on any Lot any dwelling, house, building, structure, landscaping, fencing, fixture of any kind or any other improvement (an "Improvement") unless and until plans and specifications showing compliance in all respects with this Building Scheme have been submitted to and approved in writing and in the manner specified herein by Silver Spray Investments Inc. and Spike Levine Investments Inc., or their duly authorized agent or agents (the "Scheme Authority"), who shall have the exclusive right and power to approve, conditionally or otherwise, or to arbitrarily reject such plans and specifications. Without limitation, construction shall include but is in no way limited to grading, filling or other preparatory work on a Lot; specifications shall include but is in no way limited to height, setbacks, materials, siting, exterior finishing and colours.

1.2 There shall not be constructed, placed, erected or maintained on any Lot an Improvement unless and until, in relation to that Improvement, two copies each of:

- (a) a formal application executed by the owner of the Lot on which construction, placement, erection or maintenance of the Improvement is proposed;
- (b) a rendering of the Improvement, prepared by an architect or professional artist, accurately depicting the Improvement as viewed from both the waterfront and from any road;
- (c) a vellum overlay of proposed landscaping;
- (d) samples of the proposed exterior colour scheme, trim and roofing material;
- (e) preliminary drawings of any dwelling, house, building or structure in the Improvement showing all floor and roof ridge elevations;
- (f) preliminary floor plans which include and depict any proposed balconies or decks;
- (g) a preliminary plan which accurately sets out a plan for grading of the Lot (the "Lot Grading Plan"), if grading is proposed;
- (h) a preliminary site plan which accurately defines the footprint and clearing zone of any dwelling, house, building or structure in the Improvement, and which further identifies any trees or rock features to be removed from the Lot;

- (i) a report prepared by a duly qualified geotechnical engineer confirming that any proposed dwelling, house, building or structure in the Improvement can be safely constructed on the Lot where shown on the site plan,

(collectively, the "Design Plans")

are submitted to the Scheme Authority together with the sum of \$875.00, representing the fee charged by the Scheme Authority to review the Design Plans, plus applicable taxes, which fee shall not be refunded under any circumstance.

- 1.3 No application for a building or other necessary permit shall be made to the District of Sooke or other local or provincial government body having jurisdiction (the "Municipal Authority") by or on behalf of the registered owner or occupier of a Strata Lot in respect of which an Improvement is contemplated (the "Owner") unless and until:
 - (a) the Owner or the building contractor retained by the Owner (the "Builder") has submitted to the Scheme Authority three sets of any and all plans to be tendered to Municipal Authority in support of any such application;
 - (b) two sets of plans, marked "Approved" and signed by the Scheme Authority, have been returned to the Owner or to the Builder for submission to the Local Authority, as required prior to issuance of a building or other permit.
- 1.4 Neither the Owner nor the Builder shall, in respect of an Improvement, submit any plan to the Municipal Authority which has not been approved and executed by the Scheme Authority.
- 1.5 Neither the Owner nor the Builder shall, in respect of an Improvement, submit Design Plans to the Scheme Authority or final plans to the Municipal Authority which do not comply with this Building Scheme unless the Owner or the Builder has previously made written application to the Scheme Authority to vary the terms herein contained, and the Scheme Authority has expressly approved such variation, in writing.
- 1.6 Authorization by the Scheme Authority to vary a term in this Building Scheme shall not be deemed, under any circumstance, an amendment or modification of the terms herein contained, except as it relates to the specific variation granted in respect of a specific Strata Lot.
- 1.7 The Scheme Authority shall not be bound by past decisions to vary the Building Scheme but may instead examine each variation application individually and without reference to precedent. At all times, the Scheme Authority shall have the exclusive right and power to authorize, conditionally or otherwise, or to arbitrarily reject any application to vary the terms of this Building Scheme.

2. GENERAL CONSTRUCTION REQUIREMENTS

- 2.1 Not more than one dwelling unit shall be constructed, erected or placed on a Lot.
- 2.2 Regardless of compliance with the criteria set out in this Building Scheme, no Improvement shall be constructed, erected or placed on any Lot unless the Scheme Authority is satisfied in all respects that it is consistent with the overall architectural design of the development, which design relies on the use of wood, rock, stone and glass to emphasize a rugged, forested and dramatic natural character.
- 2.3 An Improvement shall not be constructed on a corner Lot unless both road fronting elevations have in the opinion of the Scheme Authority sufficient architectural detailing, including but not limited to stepped façades, windows, and landscaped buffers, such that the Improvement does not appear to "turn its back" on one road or the other.
- 2.4 An Improvement shall not be constructed, placed, erected or maintained on a Lot unless:
- (a) the Design Plans submitted to Scheme Authority conform to the National Building Code of Canada and to applicable Municipal Authority bylaws in effect at that time, including, without limitation, bylaws enacted by the Municipal Authority as they may have been amended or varied in relation to the Lots, Capital Regional District Bylaw 2950 and Capital Regional District Bylaw 2951;
 - (b) setbacks conform to those established by the Municipal Authority, or to such increased setbacks as may be prescribed by the Scheme Authority in the interest of tree preservation, variety in the streetscapes or maximization of privacy.
- 2.5 An Improvement shall not be constructed, placed, erected or maintained:
- (a) within 15 metres of the natural boundary between a Lot and the foreshore;
 - (b) within 10 metres of East Sooke Wilderness Park;
 - (c) within 30 metres of the boundary between the Lot and land within the Agricultural Land Reserve, unless a Development Permit has been issued by the Municipal Authority;
 - (d) within 16 metres of the boundary between any Lot and land within the Agricultural Land Reserve unless expressly permitted by the Agricultural Land Commission.

2.6 No house, dwelling or building shall be constructed, placed, erected or maintained on Lots 12, 13 or 14 unless set back from Silver Spray Drive a minimum of 7.5 metres.

3. LOT GRADING

3.1 Except during construction, no Lot shall have lot grading or ground conditions that do not comply in all respects with the Lot Grading Plan.

3.2 Foundation excavation or other construction shall not be commenced until a building permit has been issued by the Municipal Authority.

3.3 Site specific grading shall not be commenced until a building permit has been issued by the Municipal Authority unless prior written approval has been given by the Scheme Authority.

3.4 A Lot shall not be excavated or otherwise graded, and no construction shall occur unless the Owner or Builder ensures that during such excavation, grading or construction all waste, excess fill, soil or other substances or materials are disposed of in a manner which prevents entry into any watercourse or storm drainage system, or into East Sooke Wilderness Park.

3.5 No Lot shall be graded unless:

(a) between

- (i) the Lot and any adjacent Lot;
- (ii) the Lot and the foreshore, if the Lot is directly adjacent to the foreshore;
- (iii) the Lot and any public road or private road right of way,

there is either a smooth finished grade or ground level transition, or in the alternative, large rocks are used in a manner, acceptable to the Scheme Authority, which creates an attractive berm for an elevation change;

(b) such grading, in the opinion of the Scheme Authority, minimally interrupts or compliments existing grades;

(c) such grading does not, without prior written approval of the Scheme Authority, interrupt the natural flow of surface water.

3.6 Grading of a Lot may not result in the redirection of any surface water flow onto an adjacent or neighbouring Lot unless the Owner, or Builder of the Lot being graded has installed swales, lawn basins, French drains or such other materials or fixtures as may be necessary to prevent or stop such redirected flow.

3.7 There shall be no direct piped connection of drainage from a Lot or any Improvement into any watercourse or storm drainage system.

3.8 Drainage shall not be directed into East Sooke Wilderness Park.

4. DWELLING TYPES

4.1 No house or dwelling shall be constructed on a Lot except one only of a single level house, a split level house, a two level house.

4.2 No house or dwelling having greater than two levels shall be constructed on a Lot unless the architectural design or the topography of the Lot is deemed by the Scheme Authority to justify it.

4.2 No house or dwelling shall be constructed, erected or placed on any Lot unless the total finished living area on the main or ground floor, excluding garage, is equal to or greater than 1,250 square feet.

4.4 Decks and balconies shall not be located on side elevations or where they will impair the privacy of a neighbouring Lot, except in cases where the architectural design or the topography of the Lot is deemed by the Scheme Authority to justify it.

4.5 Basement windows shall not be allowed above grade on road fronting elevations in any Lot except in cases where the architectural design or the topography of the lot is deemed by the Scheme Authority to justify them.

4.6 House numbers, exterior street fronting light fixtures and entry door hardware shall not be installed on any Improvement or on any Lot other those approved by the Scheme Authority.

4.7 Exterior light fixtures shall not be located or directed so as to cause glare or significantly illuminate adjacent Lots.

4.8 The total number of bedrooms, in all dwellings or houses constructed on any of the Lots connected to the common area sewage treatment facility, shall not exceed fifty-three in number, and, subject to subparagraph 4.9 below, there shall not be constructed, on any single Lot, a dwelling or house having more than four bedrooms, without the express written consent of the Scheme Authority.

4.9 There shall not be constructed, on any of Lots 1, 12, 13 or 14, a dwelling or house connected to the common area sewage treatment facility having more than three bedrooms, without the express written consent of the Scheme Authority.

5. COLOURS

- 5.1 No house or dwelling shall be constructed on a Lot having an exterior colour scheme not approved in writing by the Scheme Authority.
- 5.2 Colour schemes containing deep rich colours, natural earth tones, forest greens or high grey content shall generally be acceptable, subject always to the discretion of the Scheme Authority, in each case, taking into account the overall architectural design of the house or dwelling and the architectural continuity and contrasts along the streetscape.
- 5.3 No part of the exterior surface of an Improvement shall be red or orange in colour.

6. FOUNDATION AND EXTERIOR MATERIALS

- 6.1 The exterior wall of any Improvement facing a public road, private road right-of-way or visible from the water shall not be finished in any material or combination of materials other than stone, rock, brick or wood, or a combination of stone, rock, brick or wood or other material approved by the Scheme Authority, and then only if used to the extent that it forms an integral part of the wall.
- 6.2 Siding shall not be used to construct or to finish any part of the Improvement exterior without the prior written approval of the Scheme Authority. No part of the exterior of an Improvement shall be finished with aluminum, vinyl, channel or shiplap siding unless the topography of the Lot and the architectural design of the Improvement are deemed by the Scheme Authority to justify it.
- 6.3 Wood siding shall not be used to construct or to finish any part of the Improvement exterior if not fully back primed.
- 6.4 Siding oriented other than all horizontal or all vertical shall not be used to construct or to finish the exterior face of an Improvement.
- 6.5 Stone, cultured stone and textured brick shall not be used on any part of the Improvement exterior unless the stone, cultured stone or textured brick to be used is of a natural earth tone, and comprises, to the satisfaction of the Scheme Authority, an integral part of the Improvement design.
- 6.6 Stone, cultured stone and textured brick shall not be used to construct or to finish an exterior face of the Improvement unless the stone, cultured stone or textured brick to be used extends either a minimum of four feet beyond the exterior face onto the immediately adjacent face or over the entire immediately adjacent face, whichever is less.
- 6.7 Brick shall not be used near any opening in the Improvement exterior unless the head and sill courses are on edge as soldier courses.

7. WINDOWS AND DOORS

- 7.1 Windows may not be installed in the Improvement unless the Scheme Authority is satisfied in all respects that they are consistent with the overall architectural design of the development.
- 7.2 Windows may not face any part of any land zoned for a golf course and adjacent to the strata development unless glazed with safety glass, laminated, covered with seismic grade film or made of tempered, shatterproof glass.
- 7.3 Single doors may not be installed in any part of the Improvement exterior unless each door has a width equal to or greater than 3 feet 6 inches.
- 7.4 Double doors may not be installed in any part of the Improvement exterior unless each door of the double door has a width equal to or greater than 2 feet 10 inches.

8. CHIMNEYS AND METERS

- 8.1 No chimney shall be constructed of materials other than rock, brick, stone or the same material as the main cladding of the Improvement exterior.
- 8.2 Artificial stone shall not be used to construct a chimney without the prior written approval of the Scheme Authority.
- 8.3 A chimney chase shall not be constructed unless it extends to the natural grade.
- 8.4 Chimney caps shall not be finished with less than three layers of trim unless constructed with rock or stone.
- 8.5 Furnace and gas fireplace "B" vents shall not be installed unless they:
 - (a) blend with the roof of the Improvement;
 - (b) are visible neither from the waterfront nor any public road or private road right-of-way; or
 - (c) are contained within a chimney cap or other enclosure approved by the Scheme Authority.
- 8.6 Electrical meters which are not concealed by landscaping or which are not flush with the exterior wall face in which they are located shall not be installed.

9. ROOF, EAVES AND FASCIA

- 9.1 Trim, fascia or flashing shall not be installed on any Improvement unless in the judgment of the Scheme Authority the colour of the proposed trim, fascia or flashing complements the exterior colour scheme of the Improvement.
- 9.2 No Improvement shall be constructed on any Lot with a roof finished in shingles or shakes made from cedar or other wood or using any material other than:
- (a) slate, concrete or synthetic tiles;
 - (b) metal tiles or sheets which are either dark grey, dark brown or dark green in colour or which have zinc or copper finishing, and which oxidize naturally;
 - (c) minimum 40-year fiberglass-reinforced shingles with variegation and shadow lines;

in a style and colour approved in writing by the Scheme Authority.

- 9.3 Fascia which does not support a gutter on the outside face may not be used in construction of an Improvement unless it displays a layered effect having a minimum trim dimension of 1 inch by 6 inches.
- 9.4 Eave overhangs less than two feet deep or using fascia with a dimension less than 2 inches by 10 inches may not be constructed.
- 9.5 Rainwater gutters and downspouts may not be constructed unless depicted on the Design Plans approved by the Scheme Authority or strategically located in the corners of inside walls in line with vertical trim.
- 9.6 Rainwater gutters and downspouts may not cross over exterior surfaces of contrasting colour facing the waterfront or any public road or private road right-of-way.

10. PARKING

- 10.1 No garage shall be constructed on any Lot except an enclosed garage contiguous to the house or dwelling of which it forms a part, capable of housing a minimum of two standard passenger size motor vehicles, unless the Scheme Authority deems it appropriate to approve a garage separate from the dwelling for a particular architectural design or unless in the opinion of the Scheme Authority the proposed garage is adequately hidden from public view.
- 10.2 A garage accommodating more than two standard passenger size motor vehicles shall not be constructed on any Lot unless any door or doors for the additional vehicle space or spaces are set back at least two feet from the main garage doors.

- 10.3 Carports or garages without doors shall not be constructed on any Lot.
- 10.4 Without the prior written consent of the Scheme Authority, a garage door may not be installed in the exterior wall of any Improvement if that wall faces the waterfront.
- 10.5 No garage door shall be constructed, erected or placed on a Lot or installed in an Improvement unless, in the opinion of the Scheme Authority, it is of a colour consistent with the exterior colour scheme for the Improvement.
- 10.6 No garage or driveway shall be constructed unless and until its location and design are approved by the Scheme Authority to ensure compatibility with adjacent houses.
- 10.7 Pillars, monuments or gates shall not be installed on any driveway on any Lot without the prior written approval of the Scheme Authority.

11. LANDSCAPING

- 11.1 Substantial landscaping shall not be undertaken on any Lot unless in consultation with a professional arborist or landscape architect and with the prior written approval of the Scheme Authority.
- 11.2 Landscaping shall not be undertaken on any Lot which does not comply with the terms and conditions of the covenants registered pursuant to section 219 of the *Land Title Act* on the 26th day of June 2002 and deposited in the Land Title Office under document numbers ET071317 and ET071305. For clarity, each covenant states, in part, that, excepting areas covered by buildings, pathways, driveways or paving, landscaping must be designed to conserve and enhance the native plant life on a residential parcel by preserving and maintaining at least seventy percent of the remaining total ground area with plants indigenous to Southern Vancouver Island.
- 11.3 Landscaping screens shall not be constructed, erected or placed on a Lot unless maintained by adequate irrigation and dead or seriously distressed trees or plants are promptly replaced.
- 11.4 No tree or other vegetation shall be permitted to grow in a manner which substantially obstructs the View from any Lot. For the purposes of this paragraph only, "View" shall mean that part of the waterfront visible from the Lot and lying within an area between a line extending at an angle 75 degrees and a second line extending at an angle 105 degrees extending outward from the midpoint of the water-fronting exterior face of the house or dwelling thereon.
- 11.5 Trees having a diameter equal to or greater than 0.15 metres, measured at a point on the tree 1.5 metres from its base, shall not be removed without the prior written approval of the Scheme Authority.

- 11.6 Excepting areas required for the construction of buildings, septic facilities, utilities and driveways, trees having a diameter equal to or greater than 0.50 metres, measured at a point on the tree 1.5 metres from its base, shall not be removed without the prior written approval of the Scheme Authority.
- 11.7 No front yard, side yard along a flanking street (from front yard to rear lot line), nor any yard visible from the waterfront shall remain unlandscaped for a period exceeding six months following substantial completion of construction of any house or dwelling.
- 11.8 No house or dwelling shall be constructed unless every reasonable effort shall be made to site the dwelling or adjust the design thereof on the Lot to minimize overview and overshadowing, and to avoid removal of existing trees.
- 11.9 All tree removal and tree replacement shall be done in compliance with any tree preservation bylaw enacted by the Municipal Authority, and the Scheme Authority may, if it so desires, require the Owner or the builder to place security in an amount up to \$5,000.00, to ensure compliance with the said bylaw.
- 11.10 Retaining walls shall not exceed 2 metres in height above the finished grade, and shall not be constructed of materials other than rock, granite or stone which matches or compliments the exterior finish of the Improvement.
- 11.11 More than one retaining wall shall not be constructed, placed or erected on an Lot unless set back from every other retaining wall on the Lot a minimum distance of two metres.
- 11.12 Exposed concrete foundation walls in an Improvement shall not exceed 18 inches above finished grade, or if facing the waterfront or a public road or private road right-of-way, 12 inches above finished grade.
- 11.13 Trees or other vegetation:
- (a) on or adjacent to the rock bluff running along Strata Lot 5 and Strata Lot 6 and visible from Silver Spray Drive;
 - (b) on or in the common property between Silver Spray Drive and any nearby walking trail;
 - (c) within a boundary extending ten metres upland from any walking trail
- shall not be removed without the prior written approval of the Scheme Authority.

12. FENCING

- 12.1 Fencing shall not be erected on any Lot unless the Scheme Authority has, in writing, approved the design, height, colour and material used.

- 12.2 In no circumstances shall chain-link fencing be constructed on any Lot, unless green in colour and hidden from view either by evergreen hedges or other landscaping acceptable to the Scheme Authority.
- 12.3 Fencing constructed or finished with material other than granite, stone or other specific materials approved by the Scheme Authority shall not be constructed on any Lot.
- 12.5 In no case shall the gate of any fence constructed on a Lot extend into a public road.

13. OCCUPATION

- 13.1 No Improvement shall be used or occupied by any person, unless and until
- (a) construction of the Improvement, including the exterior, is substantially complete;
 - (b) the Improvement has at the Owner's request been inspected by the Scheme Authority;
 - (c) the Scheme Authority has provided to the Owner an inspection report either confirming that the Improvement complies with this Building Scheme or listing in the said report any matters (the "Deficiencies") which in the sole discretion of the Scheme Authority, constitutes non-compliance;
 - (d) the Owner has, at his expense, corrected the Deficiencies to the satisfaction of the Scheme Authority, which satisfaction shall be confirmed in writing, by the Scheme Authority.
- 13.2 No owner or occupier of a Lot shall cause, commit, suffer, authorize or permit any act of nuisance to originate or emanate from his or her Lot.
- 13.3 There shall not be stored, kept nor permitted to be kept or stored on any Lot or on any road or street adjoining any Lot, any junk or wrecked or partially wrecked motor vehicles, or any salvage materials, nor shall any waste or refuse be kept or stored on any Lot.
- 13.4 No trailers, boats, commercial vehicles, recreational equipment or similar property shall be stored on a Lot unless stored inside a house or dwelling, garage, or accessory building, or appropriately screened from public view by approved screening shrubbery or fencing.

14. OTHER RESTRICTIONS

- 14.1 No accessory building, including without limitation garden and tool sheds, may be constructed, erected or placed on any Lot unless it is consistent with the colours, character

and finish of the house or dwelling situate on the same Lot and it has been approved by the Scheme Authority.

- 14.2 No accessory building may be constructed, erected or placed on any Lot located within the shaded area depicted on Schedule 4 annexed to Capital Regional District Bylaw 2951.
- 14.3 There shall not be constructed, placed, erected or maintained on any Lot any docks, floats, cranes, lifts or marine railways.
- 14.4 No fuel or propane tank, outdoor clothesline or satellite dish greater than 22 inches in diameter which is visible from the waterfront, any adjacent house or dwelling, public road or private road right-of-way shall be placed on any Lot.

15. GENERAL REQUIREMENTS

- 15.1 In the event of any breach of any one or more of the terms and specifications in this Building Scheme, the Scheme Authority will have the right, but will not be obligated to enter upon any Lot and to abate or cure, at the expense of the owner of the Lot which is in such breach, any breach capable of abatement or cure, and such owner shall pay to the Scheme Authority forthwith upon demand all costs incurred in such abatement or cure, and such costs shall constitute a charge upon such owner's Lot and may be collected by the Scheme Authority in a court of competent jurisdiction as a debt due and owing.
- 15.2 Nothing contained in this Building Scheme shall be construed or implied as imposing on the Scheme Authority, its agents or employees, any liability in the event of non-compliance with or non-fulfillment of any of the terms, restrictions, and benefits set forth and no liability or responsibility shall be incurred by the Scheme Authority, its agents or employees, in the performance or non-performance of their rights and obligations under this Building Scheme.
- 15.3 Silver Spray Investments Inc. and Spike Levine Investments Inc. reserve the right to exempt any of the Lots remaining undisposed of by it from all or any of the restrictions and benefits of this Building Scheme.
- 15.4 The Scheme Authority reserves the right to grant special approvals on house designs for specific lots which do not comply with the provisions set out in this Building Scheme in all respects if, in the opinion of the Scheme Authority, the design is architecturally acceptable either on the specific Lot or within the strata development; and upon any such special approvals being given, the provisions of this Building Scheme shall be deemed to be modified, amended or enlarged to allow only for such special approvals on such specific lots.
- 15.5 The restrictions set forth in this Building Scheme shall be in addition to and not in derogation of the bylaws of the District of Sooke, any development agreement between the Local Authority and the Developer, and the obligations and liabilities imposed by

statute or common law on the owners and occupiers from time to time of the lots, all of which shall be duly observed and complied with.

- 15.6 The Developer may, by written notice to the Owners, Strata Plan VIS5699, cease to act as the Scheme Authority.

END OF DOCUMENT

