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LB035177

**LAND TITLE ACT**  
Form 35  
(SECTION 216(1))

C65-20  
SPS

**DECLARATION OF BUILDING SCHEME**

NATURE OF INTEREST: CHARGE: STATUTORY BUILDING SCHEME

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

01 07/03/29 14:24:29 01 KL 985993  
CHARGE \$65.20

Address of person entitled to apply to register this building scheme:  
P.O. Box 1164, Rossland, BC, V0G 1Y0

Full name, address and telephone number of person presenting application:  
PETER SOMERVILLE, McEwan, Harrison & Co., Law Corp., 135 Market Avenue, Box 1016,  
Grand Forks, BC V0H 1H0, Telephone (250) 442-2105

  
\_\_\_\_\_  
PETER SOMERVILLE, Solicitor

**ROSSLAND PROPERTY INVESTMENTS LTD.**, (Inc. No. BC 0702213) ("Redstone Resort"), a  
body corporate of 1 - 1008 Olaus Way, Rossland, BC V0G 1Y0, DECLARES THAT:


1. Rossland Property Investments Ltd. is the registered owner in fee simple of the land (the "Lots") legally described in Schedule "A" attached hereto.
2. Rossland Property Investments Ltd. hereby creates a building scheme relating to the Lots.
3. A sale of any of the Lots is subject to the restrictions enumerated in Schedule "B" attached hereto.
4. The restrictions shall be for the benefit of all the Lots.

OFFICER SIGNATURE

EXECUTION DATE

Y M D  
07 03 22

Parties Signatures  
Rossland Property Investments Ltd.  
by its authorized signatories:

  
\_\_\_\_\_  
Peter Somerville  
Barrister and Solicitor  
135 Market Avenue  
Grand Forks, BC , V0H 1H0

  
\_\_\_\_\_  
CARY ANTHONY FISHER, Sec

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 "A"**

PID	LEGAL DESCRIPTION
027-002-799, Lot 1	
027-002-802, Lot 2	
027-002-811, Lot 3	
027-002-829, Lot 4	
027-002-837, Lot 5	
027-002-845, Lot 6	
027-002-853, Lot 7	
027-002-861, Lot 8	
027-002-870, Lot 9	
027-002-888, Lot 10	
027-002-918, Lot 11	
027-002-926, Lot 12	
027-002-934, Lot 13	
027-002-942, Lot 14	
027-002-951, Lot 15	
027-002-969, Lot 16	
027-002-977, Lot 17	
027-002-985, Lot 18	
027-002-993, Lot 19	
027-003-001, Lot 20	
027-003-027, Lot 21	
027-003-043, Lot 22	
027-003-051, Lot 23	
027-003-060, Lot 24	
027-003-078, Lot 25	
027-003-086, Lot 26	
027-003-094, Lot 27	
027-003-108, Lot 28	
027-003-116, Lot 29	
027-003-124, Lot 30	
027-003-132, Lot 31	
027-003-141, Lot 32	
027-003-159, Lot 33	
027-003-167, Lot 34	
027-003-175, Lot 35	
027-003-183, Lot 36	
027-003-191, Lot 37	
027-003-205, Lot 38	
027-003-213, Lot 39	
027-003-221, Lot 40	
027-003-230, Lot 41	
027-003-248, Lot 42	
027-003-256, Lot 43	
027-003-264, Lot 44	
027-003-272, Lot 45	

027-003-281, Lot 46  
027-003-299, Lot 47  
027-003-302, Lot 48  
027-003-311, Lot 49  
027-003-329, Lot 50  
027-003-337, Lot 51  
027-003-345, Lot 52  
027-003-353, Lot 53  
027-003-361, Lot 54  
027-003-370, Lot 55  
027-003-388, Lot 56  
027-003-396, Lot 57  
027-003-400, Lot 58  
027-003-418, Lot 59  
027-003-426, Lot 60  
027-003-434, Lot 61  
027-003-442, Lot 62  
027-003-451, Lot 63  
027-003-469, Lot 64  
027-003-477, Lot 65  
027-003-485, Lot 66  
027-003-493, Lot 67  
027-003-507, Lot 68  
027-003-515, Lot 69  
027-003-523, Lot 70  
027-003-531, Lot 71  
027-003-540, Lot 72  
027-003-558, Lot 73  
027-003-566, Lot 74  
027-003-574, Lot 75  
027-003-582, Lot 76  
027-003-591, Lot 77  
027-003-604, Lot 78  
027-003-612, Lot 79  
027-003-621, Lot 80  
027-003-639, Lot 81  
027-003-647, Lot 82  
027-003-655, Lot 83  
027-003-633, Lot 84  
027-003-671, Lot 85

All of Section 26, Township 9A, Kootenay District, Plan  
NEP83293

## **SCHEDULE "B"**

Schedule of restrictions declared by Rossland Property Investments Ltd. (hereinafter called "Redstone Golf and Alpine Resort")

### **STATUTORY BUILDING SCHEME**

The provisions of this Statutory Building Scheme contain covenants which restrict the scheme of development of the lots.

#### **1.0 INTRODUCTION**

The purpose of design guidelines at Redstone Golf and Alpine Resort is to encourage diversity of architectural design yet have a uniformity that reflects the historical nature of Rossland and its alpine lifestyle.

Simple alpine building styles, the use of natural building materials found in the Kootenays and high levels of craftsmanship and detailing, will emphasise the valley setting and preserve the character of Rossland.

While the valley location around the golf course is the natural feature, the mountainous backdrop of Redstone Resort places an alpine influence over the design.

Traditional looking construction techniques, highlighting timber frame, column and beams, brackets and braces with natural stonework to foundations will be encouraged.

To ensure that a standard of excellence and quality is maintained throughout all stages of the residential community at Redstone Golf and Alpine Resort and to complement the championship Redstone Golf and Alpine Resort, this document outlines acceptable building forms, design elements and landscaping features. These guidelines are intended to protect the natural beauty of the property by directing the creation of fine homes through establishing a high standard of architectural design with quality detailing and finishes that blend with the landscape. Although it is important to allow for individuality in lifestyle and home design, a variety of house sizes and shapes, building grades and elevations, setbacks, driveway locations, exterior finishes and building detail can be complementary and enhance the quality, attractiveness and values in the community.

Redstone Golf and Alpine Resort is both a recreational resource and natural amenity. The importance of maximizing view opportunities and creating complementary residential properties adjacent to the golf course are important in efforts to maintain consistency and compatibility throughout the neighbourhood.

#### **2.0 ARCHITECTURAL AND BUILDING GUIDELINES**

##### **2.1 SIZE**

The minimum Square footage for each home will be 1400 square feet plus a double garage. There will be no maximum size. The only restriction on size is that all homes are kept within the building envelope as specified by the City of Rossland.

## 2.2 EXTERIOR DESIGN AND FINISHES

- (a) Exterior wall finishes may be comprised of vertical or horizontal cedar wood siding, smooth stucco, wooden shingles, board and batten or other approved materials. Brick and natural stone accents are encouraged. Metals such as copper and zinc can be used but only in small areas.

Exterior wall finishes not to be used:

1. Vinyl siding;
2. Artificial rock.

- (b) All accent detail shall extend around the front elevation of homes and blend with side elevation features and wall colour. Side elevations of homes on lots with more than one flanking street shall be considered to have two front elevations. Home elevations flanking golf fairways shall have accent trim and design details similar to the front street elevation.
- (b) No concrete block, giant brick or exposed concrete surfaces are permitted; all concrete foundations shall have a parged or similar finish, complementary to the wall colour.
- (c) Chimneys should be of a non continuous dimension and oversized with decorative (corbelled) caps. All zero clearance chimneys must be fully framed and finished with brick, stone or the wall finish material, including wood or stucco.
- (d) All vents shall be located in areas least exposed to view and painted in dull colours to be unobtrusive.
- (e) All siding shall be applied in the same horizontal or vertical direction on all elevations.
- (f) Stucco can be of earth hues preferably, however lighter colours can be used if offset with darker features such as heavy timbers or rockwork. Cedar siding can be colored to other than natural finish but should be stained rather than painted a solid colour.
- (g) Driveways shall be blacktop or paved stone, or other approved materials. Concrete, loose gravel, shale or similar materials will not be accepted.
- (h) There will be no more than one entrance to the street from each residence.
- (i) Windows are to be either full timber or aluminum of a dark metal hue. No clad white or beige windows are allowed. The style of windows, particularly the aspect facing the street is to have a highlight above each window which is approximately 20% of the overall window height. This highlight should be divided into smaller sections.

- (j) Window shapes should be predominately square or rectangular with angled sections kept to a minimum. Eyebrow windows are subject to approval.
- (k) External doors, including garage should be timber where possible. If metal they should be a dark colour to blend with the trims of the house.

### **2.3 ROOF DESIGNS AND MATERIALS AND DECKS**

- (a) Roof styles may be simple gable, cottage or other approved designs with bold forms and a minimum roof pitch of 6:12 slope. Roof colours can be black, brown or dark grey. No light colours are permitted.
- (b) Cedar shakes and shingles, pine shingles, concrete and terra cotta tiles are not acceptable roofing materials and are not permitted. Duroid or asphalt or sheet metal shingles are permitted to help reduce fire hazards.
- (c) Roof lines shall be stepped in accordance with lot and fronting road grades to provide a pleasant flowing streetscape.
- (d) All vents and roof stacks are to be painted in a dull finish to match the roof colour and be situated in areas that are least exposed to the fronting roadway.
- (e) Under cover decks should be used to increase outdoor living area and decrease snow clearing.

### **2.4 HOUSE COLOURS**

- (a) All exterior colours must be approved by the Design Coordinator of Rossland Property Investments Ltd. or its nominees. The use of natural and pastel tones with blending trim colours is encouraged. Houses with colour schemes that detract from the streetscape will not be approved.
- (b) Bright, garish primary colours shall not be used in the Redstone Golf and Alpine Resort.

### **2.5 EXTERIOR LIGHTING**

- (a) No fixtures that generate glare will be permitted. Direct lighting is unacceptable. Indirect lighting having a shielding effect of the light source such as recessed pot lighting, wall mounted up/down lights and low louvred landscaped lights are appropriate.
- (b) House numbers may be illuminated, provided that they are mounted in a single panel flush with the wall and do not exceed a height of 6" nor a length of 18".

## **2.6 BUILDING LOT GUIDELINES**

- (a) Home site settings around the amphitheatre of the golf course has been created noting significant views, major tree groupings, location to the existing and future trail networks. The location of homes on each site will be designed in a way to take advantage of the slope and southern aspect.
- (b) All homes shall have enclosed garages.
- (c) Lot grading is to follow the natural slope of building lots and every effort shall be made to absorb elevation differences within the building mass through the use of stepped foundations and different floor levels.
- (d) Where retaining walls are required, they shall be limited to an exposed height of 1.2 metres (4'), unless otherwise approved. Any part of a retaining wall that faces a street, golf course or public area shall be finished with exposed aggregate concrete or other approved decorative finish.
- (e) Lot grading must be achieved in such a manner that site changes do not interrupt the drainage pattern. Surface drainage must be contained within each lot and shall not be permitted to discharge onto adjoining property.
- (f) Driveway grades shall not exceed 15% slope. The driveway layout must provide for two off street parking spaces (excluding garages) on each lot. Garages may either form part of the main mass of the residence or they may be designed as detached buildings.
- (g) Special design consideration shall be given to 'corner' and neighbourhood entry or 'gateway' lots to regulate building height and massing.
- (h) Trailers, boats, recreational vehicles and commercial vehicles in excess of 3/4 ton capacity shall not be stored in the yards or driveways of any lots in the community.
- (i) Accessory buildings or storage sheds are not permitted on any Property, other than a garden shed is permitted in the rear of the Property.
- (j) No poles, masts, antenna, or clotheslines may be placed on any property except satellite receiving dishes.
- (k) In ground swimming pools are permitted. Special approval is required to ensure appropriate screening and compatibility with surrounding residences. Above ground swimming pools are not permitted.

- (l) Outdoor hot tubs and spas require special design approval, which must specify location, height, size, and landscape treatment and may only be located in the rear of the Property.
- (m) No signage is permitted on any property except for the Redstone Golf and Alpine Resort entry sign and Real Estate "For Sale" signs on Property. All Real Estate "For Sale" signs shall be of one common and consistent design, available for purchase from the Developer's Design Coordinator. Any property "for sale" shall have no more than one sign placed on the lot adjacent to the courtyard entrance. All "For Sale" signs shall face the front street. No signs will be allowed to face the golf course fairways. As soon as the property is sold, the "For Sale" sign will be removed. "Sold" signs are not permitted. Rossland Property Investment Ltd. is responsible for maintaining the Redstone Golf and Alpine Resort entry sign.
- (n) No dog runs, kennels or shelters shall be allowed on any lot.
- (o) Playground equipment or structures (e.g. swing sets, trampolines, etc.) are not permitted on any lot.

### **3.0 LANDSCAPING GUIDELINES**

- (a) It is the responsibility of the lot owner to maintain the lot in a tidy and orderly fashion.
- (b) No fencing or privacy screens are permitted other than that provided with initial construction. No changes in fencing provided is permitted.
- (c) The thinning, shaping, topping or removal of any landscape feature is the sole responsibility of the lot owner.
- (d) Landscaping feature lighting shall be screened from the street, golf fairways and adjoining properties and must not compromise the character of the streetscape.
- (e) Landscape ornamentation is not permitted without the approval of the Design Coordinator.
- (f) The Lot owner shall submit house modifications or landscape plans, exterior colour selections to the Design Coordinator, Robert Felsch or his nominees for approval, prior to start of construction of any proposed alterations.
- (g) The lot owner shall not permit any lot or improvement thereto, including the home, ancillary structure, lawn, garden or any objects therein or thereon, to be or to become unsightly or unsanitary and shall, upon receipt of written notice from the Design Coordinator detailing the objection, rectify the complaint within seven days, failing which the Design Coordinator shall be at liberty to rectify the complaint at the expense of the owner. Any expenses (including legal and other consulting fees) incurred by the Design Coordinator in enforcing this Statutory Building Scheme shall be borne by the lot owner.



- (h) The Developer, Rossland Property Investments Ltd., reserves the right to amend, alter and adjust these Design Guidelines from time to time to reflect good architectural style and design trends.
- (i) Upon completion of the building or construction of a residence on a lot, all landscaping of the front, side and rear yard and the installation of driveways and walkways must be completed within the time frame provided by the Design Coordinator, taking into consideration the time of year in which the construction of the residence on a lot is completed.

#### **4.0 RENOVATIONS, ALTERATIONS AND ADDITIONS**

To ensure that any renovations, alterations and additions to the exterior of lots are completed to the same standard of excellence and quality that has been established for initial construction, anyone wishing to make renovations, alterations or additions is required to submit proposed plans and specifications to the Design Coordinator for approval prior to commencement of the work. A nominal approval fee is payable to the Design Coordinator. Any work undertaken is to be completed promptly in accordance with the approved plans and specifications and in a good and workmanlike manner with minimal disruption to neighbours and to the Redstone Golf and Alpine Resort.

#### **5.0 PRE-CONSTRUCTION LOT MAINTENANCE**

- (a) Prior to building or construction on a lot of a residence and the installation of landscaping as hereinbefore provided for, lot owners must maintain the lot free and clear from all brush and weeds, trim tall grass and remove debris and litter from the lot and keep it in a tidy condition. Any expenses (including legal and other consulting fees) incurred by the Design Coordinator in enforcing this provision or in hiring third parties to clean up the lot shall be borne by the lot owner.
- (b) There shall be no trailers, automobiles, sheds or building materials stored or kept on the lot, except for the building materials and equipment required by the Developer's contractors or subcontractors during the process of the construction of the residence on the lot.

**MEMORANDUM AS TO ENCUMBRANCES. LIENS AND INTEREST**

Holder of a Mortgages and Assignment of Rents in favour of the Canadian Imperial Bank of Commerce registered under numbers LA90238 and Assignment of Rents LA90239 .

**CONSENT**

The undersigned, being the holder of the encumbrance or entitled to the lien or interest referred to in the memorandum above written, hereby approves of, joins in and consents to the registration of the within Agreement and *covenants* and agrees that the same shall be binding upon its interest in or charge upon the said lands and shall be an encumbrance upon the said lands prior to the above noted mortgages and assignment of rents, in the same manner and to the same effect as if it had been dated and registered prior to the said mortgages and assignment of rents

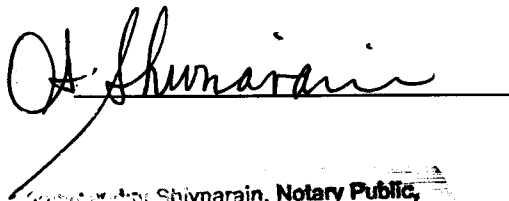
EXECUTION DATE

OFFICER SIGNATURE

Y M D

2007 03 23

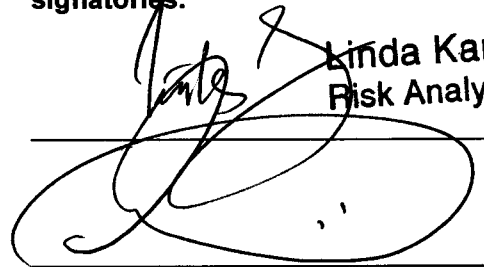
Parties Signatures



Shivmarain, Notary Public,  
City of Toronto, limited to the attestation  
of instruments and the taking of affidavits,  
for the Canadian Imperial Bank of Commerce.  
Expires November 12, 2009.

595 Bay Street, 5th Floor  
Toronto, ON M5G 2C2

CANADIAN IMPERIAL BANK OF  
COMMERCE by its authorized  
signatories:



Linda Kam  
Risk Analyst

ANN MARIE MERRICK  
Asst. General Manager

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.