



1. Application

Deduct LTO Fees:Yes

Document Fees: \$78.17

GILLESPIE & COMPANY LLP
200 - 121 St. Paul Street
Kamloops BC V2C 3K8
250-374-4463

Juniper West/Trail Side (Ph 2)
10 0273 353 - SPD*cms
Form 35 - Statutory Building Scheme

2. Description of Land

PID/Plan Number

Legal Description

EPP129403

ENCOMPASSING LOTS 1 TO 46 SEC 34 TP 19 RGE 17 W6M KDYD PLAN EPP129403

3. Nature of Charge, Notation, or Filing

Type

Affected Number

Additional Information

STATUTORY BUILDING SCHEME

See attached Form 35 - Declaration of Building Scheme

4. Person Entitled to be Registered as Charge Owner

JUNIPER WEST DEVELOPMENTS LTD.
#103 - 2049 HIGHLAND PLACE
KAMLOOPS BC V2E 0A8

BC0272682

Electronic Signature

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.

**Steven Philip
Dumont BAIYLP**

**Digitally signed by
Steven Philip Dumont
BAIYLP
Date: 2023-10-16
11:12:54 -07:00**

Land Title Act
FORM 35
 (section 220(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:

JUNIPER WEST DEVELOPMENTS LTD. (Inc. No. BC0272682)
 #103 - 2049 Highland Place, Kamloops, BC V2E 0A8

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

GILLESPIE & COMPANY LLP
 200 - 121 St. Paul Street
 Kamloops, BC V2C 3K8 Telephone: 250-374-4463

 SIGNATURE OF APPLICANT OR SOLICITOR OR AUTHORIZED AGENT

We, JUNIPER WEST DEVELOPMENTS LTD. (Inc. No. BC0272682), declare that:

- we are the registered owners in fee simple/lessee of the following land (hereinafter called "the Lots"):

(PID)

(LEGAL)

No PID Nmbrs Encompassing Lots 1 to 46, inclusive, Sec 34 Tp 19 Rge 17 W6M KDYD Plan EPP129403

- we hereby create 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 shall be for the benefit of all the Lots.

EXECUTION(S):

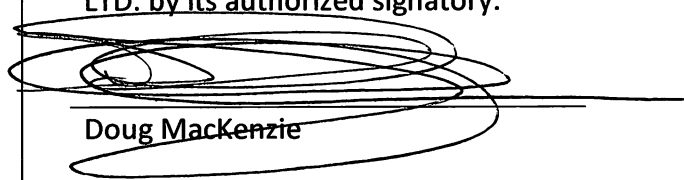
Officer Signature(s)



STEVEN P. DuMONT
 Suite 200 - 121 St. Paul St.
 KAMLOOPS, B.C. V2C 3K8
 BARRISTER & SOLICITOR

Execution Date		
Y	M	D
23	09	13

Party(ies) Signature(s)

JUNIPER WEST DEVELOPMENTS LTD. by its authorized signatory:

 Doug MacKenzie

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
SCHEDULE OF BUILDING RESTRICTIONS AND CONDITIONS

A. Definitions:

For the purposes hereof, the following words or phrases shall have the following meanings:

1. "Building" means any improvement, building structure, fence, wall, erection, driveway or other improvement of any kind whatsoever whether above or below ground level and any addition or alteration thereto;
2. "Building Plans" means architectural plans and any specifications of any proposed work or Building showing elevations of the Building to be constructed, Building cross-sections and floor plans including all dimensions, type and quality of building materials (including roofing), exterior finish materials with colour scheme and site plans.

The Building Plans should also show and include all parking areas and the type of driveway material for the main dwelling and any secondary suite. The Building Plans shall also show and include front and side yard landscaping plans.

3. "City" means the City of Kamloops in the Province of British Columbia.
4. "Design Consultant" means any agent, entity, person or persons from time to time designated by the Developer as the "Design Consultant" hereunder and if none is so designated, means the Developer;
5. "Developer" means Juniper West Developments Ltd.;
6. "Lots" means the lots described in Paragraph 1 of the Declaration of Building Scheme to which this Schedule of Restrictions is attached or any portion thereof and "Lot" means any one of such lots;
7. "Lot Owner" means any of the following persons and their respective successors in title:
 - a. the registered Lot Owner from time to time of any one of the Lots or any part thereof;
 - b. the registered Lot Owner from time to time of a right to purchase any of the Lots or any part thereof; and
 - c. the beneficial Lot Owner from time to time of any one of the Lots or any part thereof.

B. General Provisions:

1. Each provision of the attached schedule is several, and if the whole or part of any provision is invalid, illegal, or unenforceable, it will be deemed severed from this schedule, and this schedule will otherwise continue to be enforceable to the fullest extent permitted at law or at equity.

C. Enforcement of the Design Requirements

1. There shall not be constructed, placed, erected or maintained on any Lot, any dwelling, building, accessory building or other improvements whatsoever unless and until plans and specifications thereof showing elevations, siting, size, colour scheme and all materials to be used have been submitted to and approved in writing by the Developer or the Design Consultant.
2. The Design Consultant shall be appointed by the Developer. In the event the Developer wishes to appoint a new Design Consultant, the Developer has the right to do so.
3. Any builder must be approved by the Developer and is required to carry a current builders license with BC Housing.

D. Approval of Building Plans:

1. To ensure that the proposed home and landscaping is compatible with nearby homes, the Lot Owner must provide the Design Consultant with preliminary building plans and specifications showing elevations, siting, exterior colour scheme and details of the exterior materials, existing trees, driveway cut-ins, electrical boxes and other significant site influences. Site-specific height and location restrictions may apply at the discretion of the Developer or the Design Consultant in the interest of maintaining the view for other Lot Owners.
2. A letter of approval or disapproval will be issued by the Developer or the Design Consultant within 14 days of receipt of such plans. The Developer or the Design Consultant shall have the sole right to give or withhold approval.
3. No person or persons shall:
 - a. place, erect, construct, commence to construct or use any Building on any of the Lots;
 - b. make any exterior alterations, additions, or extensions to an existing Building; or
 - c. apply for a building permit for the construction of any Building on any of the Lots;unless:
 - d. that person submits to the Design Consultant the Building Plans for such Building or other improvements on the Lot (digital PDF plans are acceptable) together with detailed contact information; and
 - e. the Building Plans and specifications are approved in writing by the Design Consultant (email approval is acceptable).
4. No Building Plans shall fail to address building size, architectural design, siting, building height, setbacks, front elevation (plus flanking street elevation if the Lot is a corner lot) exterior colours, siding style and colour, roofing materials, fencing, retaining walls, landscaping and driveway details.

5. No person or persons shall construct any Building unless in accordance with the Building Plans approved by the Design Consultant.

E. Dwellings Permitted

1. No dwellings or other buildings erected on any of the Lots shall be of a construction other than new construction. No modular buildings, mobile homes or portable storage facilities will be permitted.

F. Cleanliness of Lot

1. The Lot Owner agrees to keep the Lot clean and in an orderly fashion, and no building material, crates, packing cases, contractor's shed or equipment shall be placed or left on any Lot nor on any property adjoining any Lot other than during such time as the construction work is actually in progress on such Lot, and no excavation shall be made unless necessary in connection with the construction of an approved dwelling. No garbage shall be left on any Lot.

2. No excess fill material of any kind shall be placed or stored on the Lot without the approval of the Developer or the Design Consultant.

G. Prohibited or Restricted Uses:

1. The following limitations or prohibitions on the use of the Lots or any parts thereof shall be applicable:

a. No more than 200 millimetres of concrete foundation of any building shall be exposed above the finished grade, except where step foundations are necessary to accommodate significant grade changes on the Lot.

b. No exterior meters for gas, electricity, water or otherwise shall be installed on the front of the Building.

c. No ducting shall be installed as to be visible on the exterior of a Building and all plumbing and exhaust vents shall be installed as to be concealed from view from the street.

d. No mechanical equipment (including heating or cooling equipment) shall be placed in the front yard. Nor shall such equipment remain un-enclosed with screen or finish matching the exterior of the Building. Window-mounted air conditioners are not permitted.

e. No telecommunications equipment, including satellite dishes or other similar structures can be visible from the street. No antennae are permitted.

f. No trailers or recreational vehicles shall be stored in the front yard of any lot. Side yard storage is permitted if screened to be concealed from view from the street.

g. No clothes lines or lines for hanging clothes on any Lot shall be permitted unless it or they are concealed from view from the front of the Lot.

- h. No combustible materials which constitute a fire hazard shall be placed or stored on any Lot.
- i. Wood shake roofs shall not be permitted due to their inherent fire risk. Patterned metal, tile or textured asphalt shingle roofs are permitted.
- j. No vegetation or natural water courses shall be interfered with, moved, or destroyed, unless necessary for the purposes of building or for fire protection.
- k. No trees in excess of 50 centimetres in circumference shall be removed from a Lot without the prior written approval of the Design Consultant.
- l. No street fronting yard areas on the Lot (including flanking side yards) shall be landscaped with other than lawn, trees, shrubs and flower beds or xeriscaping. No yard shall be landscaped without a full irrigation system installed.
- m. Carports are prohibited and all garages must be fully enclosed.
- n. No exposed foam insulated concrete foundations are allowed.
- o. No driveway may be constructed using materials other than exposed aggregate concrete, pavers, stamped concrete, or "broom-finish" (brushed) concrete.
- p. Gravel driveways and parking areas are not permitted in the front yard.
- q. Driveways shall not be located so as to interfere with significant trees, streetlights, service boxes, or drainage swales on the lot grading plan.
- r. In addition to restrictions placed by the City, retaining walls are not permitted unless:
 - i. they are approved by the Design Consultant;
 - ii. if visible from the street, are constructed from architecturally treated masonry or masonry blocks approved by the Design Consultant;
 - iii. if not visible from the street, are constructed of architecturally treated masonry or masonry blocks, 4x4, 4x6, or 6x6 pressure treated lumber, or pressure treated landscape ties (except for retaining walls below existing grade that have been approved in writing by the Design Consultant and the City). Concrete lock blocks are not permitted.
- s. No fences shall be erected in the front yards of any Lot.
- t. No fences may be constructed in side and/or back yards unless made of wood or vinyl or black chain-link. Galvanized chain link is not permitted.
- u. No single or double wide trailers or modular homes will be permitted on any Lot.
- v. No roof overhang at the main floor level shall be less than 2'-0".
- w. No decorative gable overhang shall be less than 12".

- x. Materials used on faces other than the front face of a Building must match the materials used on the front face of the Building except that brick or stone accent veneers are not required on all faces, but if used on the front of a Building, return at least 0.9 metres around the side, except where a “pillar effect” is approved by the Design Consultant, in which case the minimum return shall be equal to the width of said pillar on the front facade, and where stone is used, a cap made of stone or composite fascia must be used.
- y. No colours shall be used for fascia boards and barge boards unless approved by the Design Consultant and are either complementary to the main cladding colour or are a shade variation of the main cladding colour.
- z. No fascia boards and barge boards shall be used unless they are fully finished on all exposed sides and have a minimum dimension of 2x8 inches. Fascia boards are to be wood, smart trim or hardi board.
- aa. No gutters shall be used unless the colour is complementary to or matches the colour of the fascia boards. Six (6) inch deep gutters are acceptable at hip locations in place of eight (8) inch in fascia boards.
- bb. No rainwater leaders shall be used unless discreetly placed on side-facing or rear-facing wall planes, and do not run down the front face of any Buildings.
- cc. No rainwater leaders shall be used unless the colour is complementary to or matches the colour of the dominant wall siding material.
- dd. No debris shall be allowed to remain on or about a Lot for more than 30 days after the substantial completion of the exterior Buildings on that Lot.
- ee. No garbage or debris is to be allowed to accumulate or be placed on the Lot. Garbage is to be placed in approved storage containers or hauled to the appropriate disposal facility.
- ff. No person shall burn garbage on or adjacent to a Lot unless the City has issued a burning permit.
- gg. During the course of construction, no person shall allow washing of concrete residue or cement into the storm water sewer system. The builder shall not allow silt-laden water to enter the sewer system.
- hh. No person shall conduct a home-based business unless in accordance with all local and municipal by-laws.

2. The following exterior surface treatments are prohibited:
 - a. plastic siding;
 - b. vinyl siding;
 - c. aluminium siding;
 - d. asphalt siding;
 - e. exposed concrete (except for foundations);
 - f. exposed masonry blocks (except for foundations); and
 - g. architectural concrete may be allowed if approved by the Developer or the Design Consultant appointed by the Developer.
3. No Buildings will be constructed unless exterior walls of the Building will be surfaced either in decorative cement board (hardi board or equivalent), wood siding, shakes or stucco. Further, no Buildings may be constructed without either stone or cultured stone as part of the street side (front) finish treatment of the Building unless entirely finished with stucco.
4. No soffits having a width of less than 24 inches are allowed and no materials other than wood, aluminum, smart trim or hardi board can be used for soffits.

E. Landscaping, Irrigation, Exterior Finishing, Sidewalks:

1. Exterior finishing must be completed prior to occupancy of the Building (see above for acceptable finishing materials).
2. Driveways must be completed within six (6) months of the date of occupancy of the Building (see above for acceptable driveway materials).
3. Front yard landscaping must be completed within eight (8) months of the date of occupancy of the Building including installation of inground irrigation.
4. Front yard retaining walls (if any) must be completed within eight (8) months of the date of occupancy of the Building (see above for acceptable retaining wall materials).
5. Front yard sidewalks must be completed within eight (8) months of the date of occupancy of the Building and completed in the same materials acceptable for driveways.
6. Landscaping plans must be approved along with preliminary building plans and such landscaping plans must be approved by the Developer or the Design Consultant appointed by the Developer. The landscaping must be completed as per the approved landscaping plans.
7. The Developer, the Design Consultant and the City of Kamloops encourages the use of xeriscape landscaping. The City of Kamloops has references to suggested layout on its website.