

SCHEDULE "D"
Strata Property Act
FORM Y
OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS
(Section 245(d); Regulations section 14.6(2))

Re: Strata Plan NES2934, being a strata plan of

Lot 1, District Lots 7100 and 8904
Kootenay District Plan NEP71899

The following or attached bylaws differ from the Standard Bylaws to the *Strata Property Act*, permitted by section 120 of the Act:

The bylaws of the strata corporation shall be the following:

A. The Standard Bylaws to the *Strata Property Act*, S.B.C. 1998, c. 43 (the "Standard Bylaws") except as amended in this document.

1. Section 1 of the Standard Bylaws is amended to read:

"1 (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

(2) As of January ^{1st} in each calendar year, each owner shall supply the treasurer of the council with one of the following:

- a) One cheque covering the monthly strata fees for the entire year; or
- b) Twelve (12) post-dated cheques dated for the first day of each month.

(3) Interest may be charged at a rate not exceeding the rate set out in the regulations, if an owner is late in paying his or her strata fees"

2. Subsection 3(4) of the Standard Bylaws is amended to read:

"3(4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:

- a) a reasonable number of fish or other small aquarium animals; b) up to 2 caged birds;
- c) two dogs or two cats.

3. The following is added as subsection 3(6) to the Standard Bylaws:

"3(6) If the council considers any pet to be a nuisance, it may advise the owner in writing and fifteen (15) days after delivery of such notice, the pet shall be removed from the strata lot and the common property."

4. Section 9 of the Standard Bylaws is amended by adding subsection (3) as follows:

"9(3) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act."

5. Section 23 of the Standard Bylaws is amended to read:

"23 The strata corporation may fine an owner or tenant a maximum of: \$200 for each contravention of a bylaw (other than breaches of rental restrictions); \$500 for each contravention of a rental restriction bylaw; and \$50 for each contravention of a rule."

6. Section 27 of the Standard Bylaws is amended by adding subsections (8) and (9) as follows:

"27(8) The vote for a strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

(9) The attendance at an annual or special general meeting may be by telephone or any other method, if the method permits all persons participating in the meeting to communicate with each other during the meeting."

In addition, there shall be the following bylaws:

B. "Division 8 - Others

31. Rental Restriction - An owner of a strata lot will be allowed to rent the building on his or her strata lot for residential or recreational purposes provided such rental exceeds four (4) consecutive weeks. Any other rentals of the strata lot are prohibited.

32. Primary Residences - Only one primary residence is permitted to be constructed on each of the strata lots.

33. General - An owner shall not:

- a) erect or place on a strata lot; any mobile home, trailer, modular unit, or any building constructed substantially of any metal or according to any A frame or Quonset hut plan.
- b) cut trees except where absolutely necessary for the purpose of constructing a building or driveway; and, no tree with a diameter of 5 inches or more may be cut anywhere, without the written consent of the Owner/Developer.
- c) store more than two cords of fire wood on a strata lot;
- d) allow fire wood processing or bulk delivery of logs on the strata lot;
- e) excavate the strata lot except for the purpose of building;
- f) except for construction, remove any soil, bush, vegetation or gravel from a strata lot except with the permission of the strata corporation;
- g) alter or divert existing drainage paths;
- h) store wrecked or partially dismantled cars, salvage materials, or any unsightly items or debris on a strata lot;
- i) erect or place any bill-boards, placards, advertising or signs of any kind in any window or door in any residence or building on a strata lot, except temporary signs indicating that the strata lot is for sale;
- j) use a strata lot for camping nor affix nor store on any strata lot a used dwelling, fifth-wheel trailer, travel trailer, mobile home or motor home unless such travel trailer, fifth-wheel trailer or motor home is for personal use during construction of a building;
- k) store more than one recreational vehicle on a strata lot;
- l) park on a strata lot any motor vehicles or equipment, unless the principal use or purpose is for personal, private transportation of people;
- m) place on a strata lot or common property any pole, satellite dish or other erection to be used or intended to be used in connection with radio, telephone or television except for a digital type satellite dish of less than 600 mm in diameter mounted in a fashion that the dish is adequately screened from view from the street and adjoining lots;

- n) hunt, trap or discharge a firearm, bow, crossbow or air gun on the common property or a strata lot
 - o) operate any licensed, highway approved, motor vehicle of any kind or size other than on the common property access road and on private drives.
 - (p) operate an A.T.V., dirt bike or snowmobile anywhere within the Development, and bicycles may only be ridden on the road or a Lots' private drive way.
 - q) No outdoor garbage receptacle, incinerator or compost heap shall be kept on any Lot.
 - (r) do anything which would modify the habitat of any wildlife on common property, particularly the wildlife corridors on the common property;
 - s) exceed the speed limit set by the strata corporation; or
 - t) permit any major repairs to motor vehicles or other mechanical equipment to be carried on his strata lot or the common property.
34. The speed limit on the common property access roads shall be 30 kilometres per hour.
35. Only highway approved, licensed vehicles are permitted on the common property and access road.
36. Owners are to maintain their strata Lot in a natural setting.
37. Each owner is responsible to control noxious weed growth on the strata lot, avoiding contamination of adjacent strata lots, common property and adjacent lands.
38. Each Owner is responsible to grade his strata lot only where absolutely necessary for construction and so as to have minimal effect on the natural contours of the site and to prevent drainage, other than by its present natural means which must not be altered, onto adjacent strata lots.
39. Privacy screens are required around any propane tank, which must be 10 meters from a building.

40. An owner shall ensure that garbage is kept in animal proof containers which are to be kept indoors. Garbage management shall be in compliance with the "Bear Smart" Program and acceptable to the Conservation Officer Service. Compost storage is prohibited. Barbeques shall be stored inside and their grills are to be washed immediately after use. No other garbage storage will be allowed except during construction. No burning of garbage is permitted.
41. Retaining walls are to be constructed to sound structural design standards. The exposed height of walls is limited to 1.2 meters, greater heights can be attained by stepping, to reduce the impact of the wall's size. No creosote treated timber is permitted.
42. Wood decks are permitted in the area immediately adjacent to the building. Patios shall be constructed of textured concrete, concrete paving stones, brick or natural stone.
43. All outdoor lighting shall be indirect and of low intensity to avoid disturbing adjacent owners and disturbing the views of natural beauty of the area at night.
44. Only fences of wood rail type construction are permitted. All finishes are to be natural earth tones. No chain link fences will be permitted, other than green or black link fences containing an area of 192 square feet or less immediately adjacent and connected to a building for a dog or pet run. No fence other than that for the dog or pet run shall be higher than 42 inches.
45. An owner is permitted a wood burning heating unit provided it is approved by the appropriate government authority and has a maximum particle emission of 5 grams per hour.
46. An owner shall keep all drainage paths clear of any and all debris and maintain them in good condition
47. All household and family pets, including dogs, cats, and small birds, shall be kept under control by the owner on the strata lot, either by leash, kennel, cage, or in the premises. Any exterior facility for pets shall be adequately screened from view and be maintained in a manner to avoid smell and the congregation of insects. No dogs will be permitted on the common property or wildlife refuge unless they are on a leash.

48. No outdoor clothes lines are permitted, except as described in Paragraph 1.11 of the Building scheme

Date: July 4, 2006.

The Mountain Resort Marketing Group Ltd. by its authorized Signatories:

Kenneth D. Benesh, President

Edward G. Ralfe, Secretary