

Date Rec'd June 14/04

# PUSHOR MITCHELL

LAWYERS  
TRADE MARK AGENTS

Rick J. Pushor  
Mark W. Baron\*  
Geord R. Holland\*  
Curtis L. Darmohray  
David C. Bennett

Richard H. Montgomery  
Theresa M. Arsenault  
Clarke Burnett  
Lisa Holmes Wyatt  
Kimberly D. Darling

Paul L. Mitchell  
Ronald T. Solmer  
Steven A. Wilson  
Robert K. Smithson  
Sarah A. McEwen

Alfred C. Kempf\*  
Thomas P. Fellhauer\*  
Joni D. Metherell  
Leona V. Baxter  
Jennifer R. Fairbrother

Allan R. Elliott\*  
Susan G. Connaghan  
James A. Paterson  
E. Blair Forrest  
Carmen A. Salaberry  
\* Law Corporation

Writer's Direct Line: (250) 869-1130

Our File: JAP/43041.2  
June 14, 2004

Via Courier

**MINISTRY OF TRANSPORTATION**  
473 West Avenue  
Kelowna, BC  
V1Y 4Z3

Attention: Bill Sparks, Approving Officer

Dear Sirs/Mesdames:

**RE: Registered Owner: 681832 B.C. Ltd.  
Phased Strata Development of 2175 Shannon Ridge Drive, Westbank, BC  
Lot 2, DL 2044, ODYD, Plan KAP71830**


Further to our letter to you earlier today, we enclose our cheque in the amount of \$100.00 payable to the Minister of Finance representing payment of the approval fee in this matter.

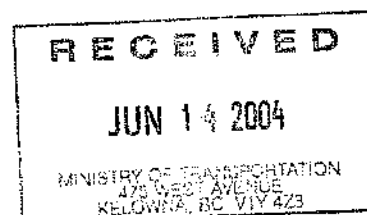
We look forward to hearing from you.

Thank you.

Yours truly,

**PUSHOR MITCHELL**

Per:   
FOR JAMES A. PATERSON  
jlb  
Enclosure



E-mail: paterson@pushormitchell.com  
www.pushormitchell.com

3<sup>rd</sup> Floor, 1665 Ellis Street  
Kelowna, B.C. Canada V1Y 2B3  
**CELEBRATING 30 YEARS**

Telephone: (250) 762-2108  
Fax: (250) 869-1103

***Strata Property Act***

**FORM P**

**PHASED STRATA PLAN DECLARATION**

*(Sections 221, 222)*

I, **CHRISTOPHER WAYNE ENSIGN**, Director of 681832 B.C. Ltd., Inc. No. 681832, 204 – 3340 Richter Street, Kelowna, British Columbia, declare

1. That I intend to create a strata plan by way of phased development of the following land which I own or on which I hold a right to purchase:

Parcel Identifier 025-488-970, Lot 2, District Lot 2044, Osoyoos Division Yale District, Plan KAP71830;

2. That the plan of development is as follows:

(a) The Development is a five (5) phase development. Phases 1, 2, 4 and 5 will consist of four (4) residential Strata Lots each and Phase 3 will consist of six (6) Strata Lots. There will be 22 residential dwellings.

(b) There are no recreational facilities.

(c) Attached hereto is the sketch plan showing:

- (i) All the land to be included in the phased strata plan;
- (ii) The present parcel boundaries; and
- (iii) The approximate boundaries of each phase.

(d) The estimated dates for commencement and completion of each phase is set out below:

Phase No.	Date of Commencement	Date of Completion
1	Already commenced	September 30, 2004
2	Already commenced	November 30, 2004
3	July 30, 2004	February 28, 2005
4	November 30, 2004	April 30, 2005
5	February 28, 2005	June 30, 2005

(e) The unit entitlement for each residential Strata Lot is attached as Schedule B. The total unit entitlement of the Development is 3977.

3. I will elect to proceed with each phase on or by the following dates:

Phase Number	Date [month, day, year]
1	Elected to proceed
2	Elected to proceed
3	July 30, 2004
4	November 30, 2004
5	February 28, 2005

Dated June 10, 2004.

681832 B.C. Ltd.

Per:

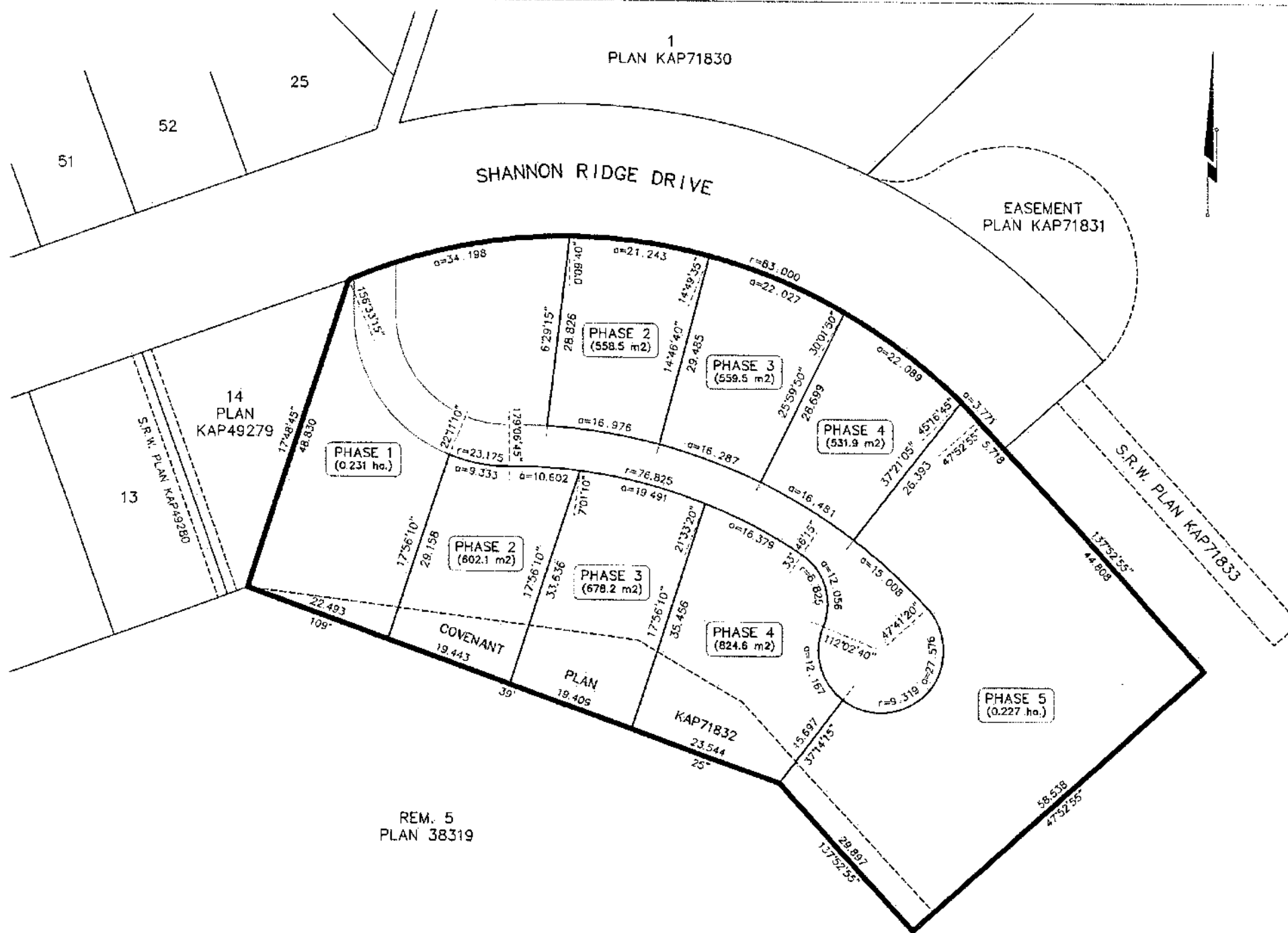
Signature of Applicant

Date of approval: \_\_\_\_\_, 2004.

Signature of Approving Officer

*Section 222(2) of the Act provides that approval expires after one year unless the first phase is deposited before that time.*

43041.2/jlb



SKETCH PLAN TO ACCOMPANY  
FORM 'P' FOR PHASED STRATA  
PLAN OF LOT 2, PLAN KAP71830,  
DISTRICT LOT 2044, O.D.Y.D.

**RUNNALLS DENBY**

*british columbia land surveyors*

#2 - 1470 Water Street  
Kelowna, B.C. V1Y 1J5

Phone (250) 763-7322  
Fax (250) 763-4413  
email denby@telus.net

CLIENT:

ENSIGN BROS ENTERPRISES

SCALE: 1:750

DATE: JUNE 8, 2004.

DWG: 11329FORMP.DWG

FILE: 11329

# SCHEDULE "B"

Strata Lot No.	Sheet No.	Habitable Area in m <sup>2</sup>	Unit Entitlement	%* of Total Unit Entitlement**
1	2	157.4	157	3.9
2	2	156.9	157	3.9
3	3	183.9	184	4.6
4	3	183.3	183	4.6
5	4	157.4	157	3.9
6	4	156.9	157	3.9
7	5	183.9	184	4.6
8	5	183.3	183	4.6
9	6	157.4	157	3.9
10	6	156.9	157	3.9
11	7	183.9	184	4.6
12	7	183.3	183	4.6
13	8	157.4	157	3.9
14	8	227.1	227	5.7
15	9	183.9	184	4.6
16	9	183.3	183	4.6
17	10	141.5	142	3.6
18	10	203.3	203	5.1
19	11	203.2	203	5.1
20	11	203.2	203	5.1
21	12	180.8	181	4.6
22	12	250.6	251	6.3
Total number of lots: 22			Total unit entitlement: 3977	

\* expression of percentage is for informational purposes only and has no legal effect

\*\* not required for a phase of a phased strata plan

**PUSHOR MITCHELL  
LAWYERS**

3<sup>rd</sup> Floor, 1665 Ellis Street  
Kelowna, British Columbia  
Canada, V1Y 2B3

Telephone: (250) 762-2108  
Fax: (250) 869-1103  
Email: lawyers@pushormitchell.com  
Website: www.pushormitchell.com

**FAX COVER LETTER**

**DATE:** June 15, 2004

**FILE NO.:** JAP/43041.2

**TO:** (250) 712-3669

Please deliver the following page(s) to:

**Name . . . . .:** Ministry of Transportation  
**Attention . . . .:** Agnes for Bill Sparks  
**From . . . . .:** Jackie Boyer

**MESSAGE:**

**RE:** Phased Development of Lot 2, Plan KAP71830  
Registered Owner: 681832 B.C. Ltd. (Ensign)  
Shannon Ridge Knoll

Further to our telephone discussions, please see the attached revised sketch plan for attachment to the Form P provided to you yesterday. Should you have any questions, please call.

Original will not follow by mail.

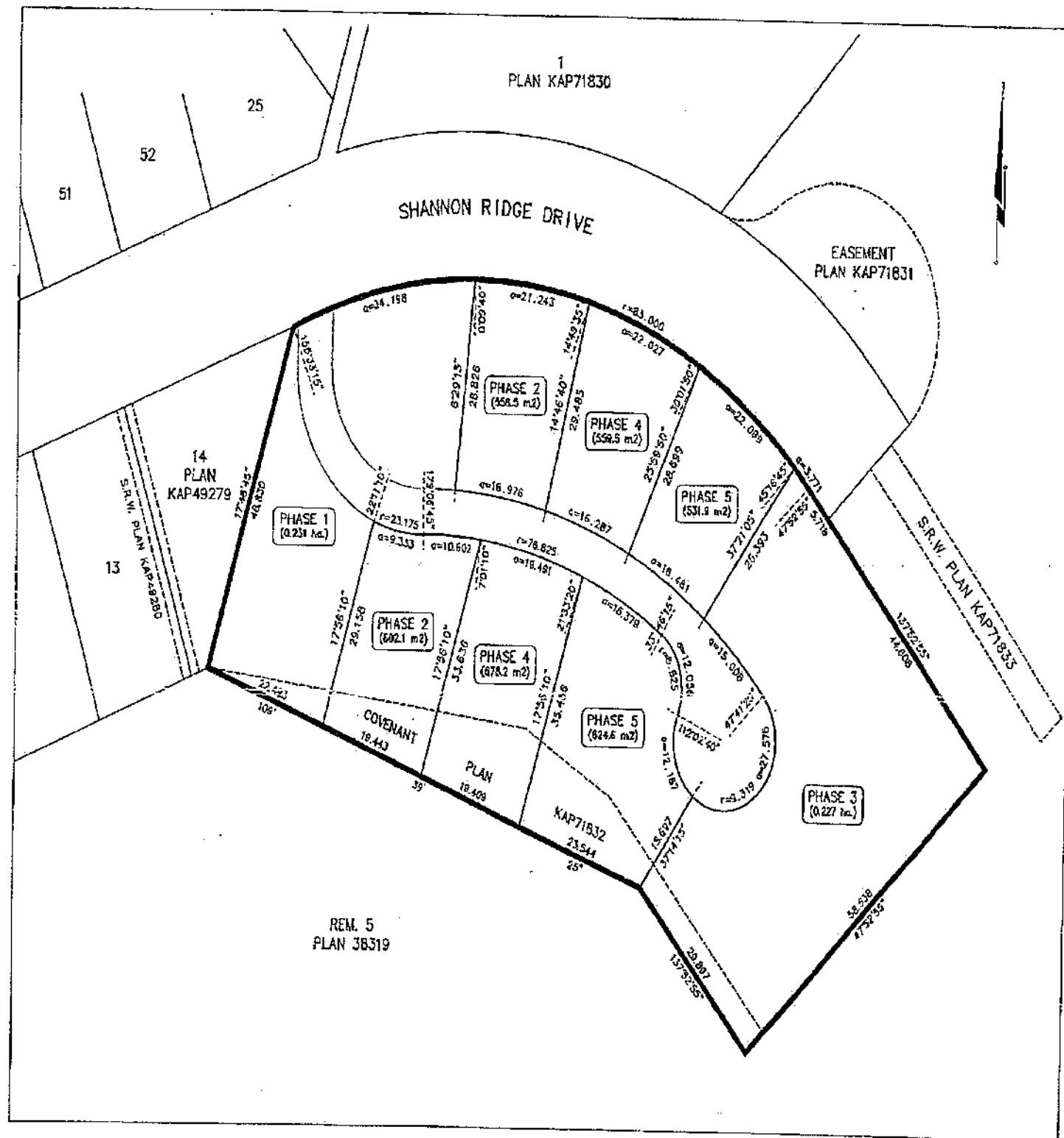
**IMPORTANT- CONFIDENTIAL INFORMATION**

This message is intended only for the use of the individual or entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any other distribution, copying or disclosure is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.

We are transmitting a total number of 2 pages, including this cover letter.

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE PHONE (250) 869-1131, AS SOON AS POSSIBLE.**

/jlb



SKETCH PLAN TO ACCOMPANY  
FORM 'P' FOR PHASED STRATA  
PLAN OF LOT 2, PLAN KAP71830,  
DISTRICT LOT 2044, O.D.Y.D.

RUNNALLS DENBY

british columbia land surveyors

#2 - 1420 Water Street  
Kelowna, B.C. V1Y 1J5

Phone: (250) 763-7322  
Fax: (250) 763-4413  
email: donby@telus.net

CLIENT:

ENSIGN BROS ENTERPRISES

SCALE: 1:750

DATE: JUNE 10, 2004.

DWG: 11329FORMP.DWG

FILE: 11329



RUNNALLS DENBY  
british columbia land surveyors

File 11329

June 9, 2004

via fax 869-1103  
(originals for pick up)

Pushor Mitchell Lawyers  
3<sup>rd</sup> Floor 1665 Ellis Street  
Kelowna, BC  
V1Y 2B3

Attention: James Patterson / Jackie Goyer

Re: "Shannon Ridge Knoll" - Phased Preliminary Strata Plan  
of Lot 2, Plan KAP71830, DL 2044, ODDYD  
2175 Shannon Ridge Drive

Dear James/Jackie,

Herewith are copies of the following items with respect to the above matter:

- Preliminary Strata Plan dated June 8/04 for the above project based on architectural plans provided.
- Proposed Form V (unit entitlement) based on the habitable areas of proposed strata lots.
- Sketch Plan to Accompany Form P (Phased Strata Declaration).


We trust the enclosed to be sufficient for your disclosure statement purposes. Please telephone should you have any questions or concerns or require anything further at this time.

Thank you.

Yours truly,

RUNNALLS DENBY

Per:

  
Neil R. Denby, B.C.L.S.

NRD/ac

Fax copy: Chris Busign (769-1849)

#2-1470 Water St. Kelowna, BC V1Y 1U5 Tel: 763-7322 Fax: 763-4413

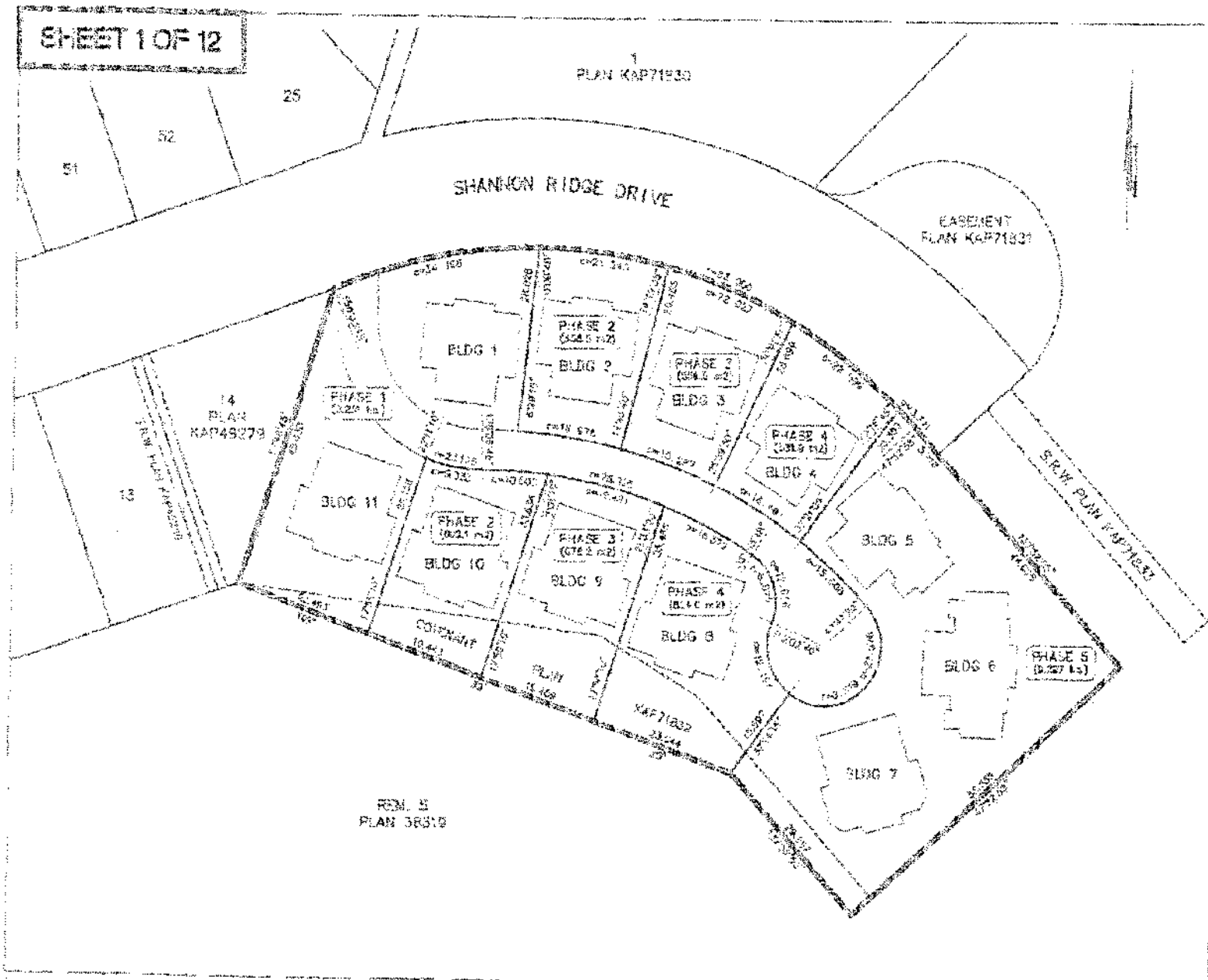
e-mail: denby@telus.net

RECEIVED

JUN 16 2004

MINISTRY OF TRANSPORTATION

page 9 of 43 TRA-2017-74344



# PRELIMINARY PHASED STRATA PLAN

LOT 2, PLAN KAP71830,  
DISTRICT LOT 2044, N.D. Y.C.

WORKING FROM THE 1904 CANTONAL PLAN  
PROVIDED BY THE CANTONAL ENGINEER

## RUNNALLS DEBY

British Columbia Land Surveyors

42 - 610 West 25th St. Vancouver B.C. V6P 6C6  
Phone (604) 265-1111 Fax (604) 265-1112  
Web: www.runnalls.com

CLIENT:

ENSHI BROS ENTERPRISES

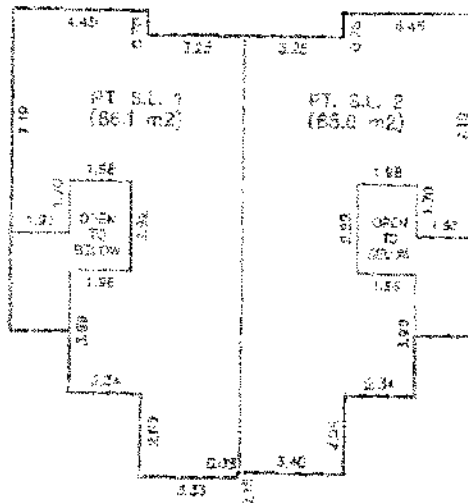
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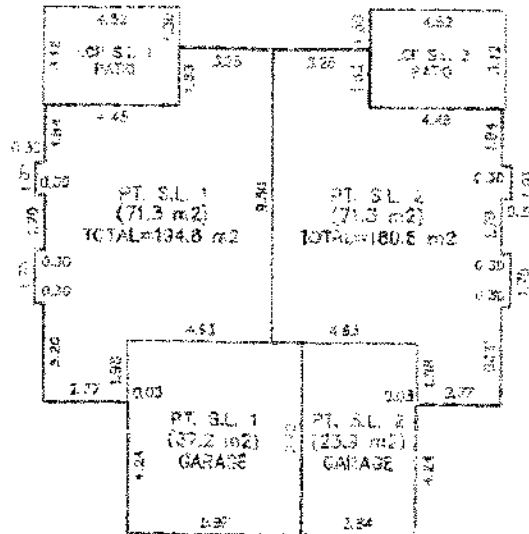
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FILE: 1523

SHEET 2 OF 12



WHEEL RIDGE PLAN



MAIN BLOCK PLAN

BUILDING 1

PHASE 1

ONE CORNER SHOWN FROM FACE OF ARCHITECTURAL PLANS  
PRODUCED BY PARS DESIGN - DATED MARCH 2004

CLUNALLS DEASY

british columbian land surveyors

Pl - 1411 Water Street Phone (250) 783-731  
St. John's, N.S. A1B 1X5 Fax (250) 783-441  
email: info@clunalls.com

CLIENT:

ENSIGN BROS ENTERPRISES

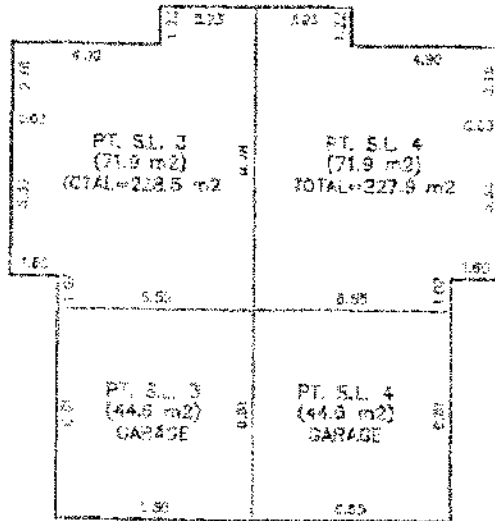
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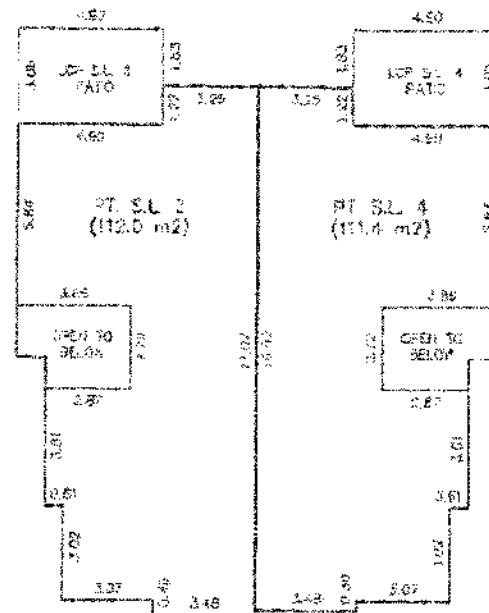
DWG: 11329PRE-BUILD

FILE: 11329

SHEET 3 OF 12



LOWER FLOOR PLAN



UPPER FLOOR PLAN

BUILDING II

PHASE 1

PRINTING FROM TAKEN FROM MONITORIAL PLAN  
PRINTED BY: G-22 (2004) - 2004

RUNNALLS DSBY

British Columbia, Canada

P2 - 1470-1475 Street  
Vancouver, B.C. V6Y 1A5

Phone (604) 702-7333  
Fax (604) 702-7333  
www.rdnby.com

CLIENT:

ENSON BROS ENTERPRISES

SCALE 1:200

DATE JUNE 9, 2004

DWG 11220000-BLOCK

FILE 11320

[illegible]

PT. SL. 5  
(71.3 m<sup>2</sup>)  
TOTAL = 142.5 m<sup>2</sup>

PT. SL. 6  
(71.2 m<sup>2</sup>)  
TOTAL = 142.5 m<sup>2</sup>

PT. SL. 5  
(37.2 m<sup>2</sup>)  
GARAGE

PT. SL. 6  
(33.9 m<sup>2</sup>)  
GARAGE

## PHASE 2

DECLASSIFIED BY: 6032 LRP/STP/KSP  
ON: 08-09-2011

PLAID & PONY

British contribution fund surveys

2 - 1475 West Street  
 Milwaukee, Wis. 53233  
 Phone (414) 781-1372  
 Fax (414) 781-1341  
 Email: [info@sky.com](mailto:info@sky.com)

CONFIDENTIAL

**ENSIGN BROS ENTERPRISES**

DATE: 1-20-03

0.75 12 MAY 2, 2004

UNG 1130PPE- E DNG

FILE 71323



01-16-2002

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 07-08-2001 BY 60322 UCBAW/BSP/STP

6-15-51 Columbia Island, Guyana

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ENSDOL SRC5 ENTERPRISES

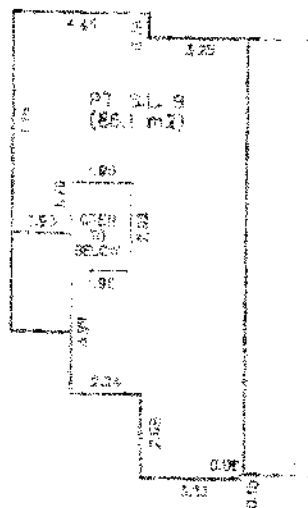
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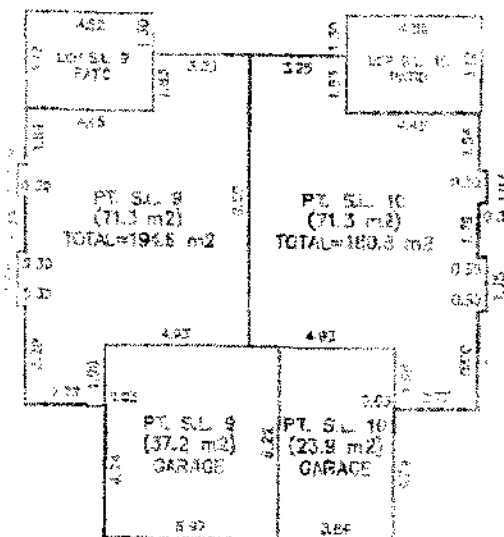
0001 1702942-9004

92 14-229

SHEET 6 OF 12



UPPER FLOOR PLAN



MAIN FLOOR PLAN

BUILDING 3

PHASE 3

EXPOSURE: 100% TAKEN FROM AERIAL PHOTOGRAPH, PLANE  
PRINTED BY JACOB DESIGN - DATED MARCH 2004

BRUNNALLS DENSEY

BRUNNALLS DENSEY LAND MANAGEMENT  
101 - 1025 West 10th Ave. (200) 555-1111  
Vancouver, BC V6H 1C5 Fax (200) 555-1111  
www.brunnallsdency.com

CLIENT:

ENSON BROS ENTERPRISES

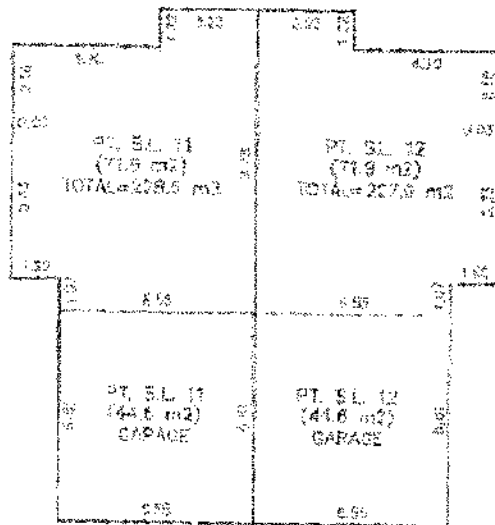
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DATE: JUNE 2, 2004

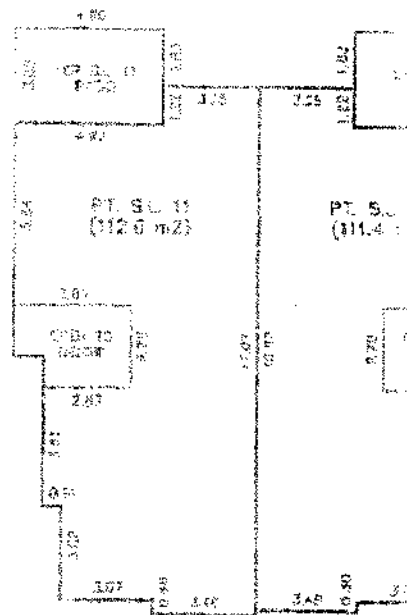
DWG: 11329PRE-B.DWG

FILE: 11329

# SHEET 7 OF 12



LOWER FLOOR PLAN



UPPER FLOOR PLAN

BUILDING

11.4.1

TRACES IN PROGRESS

KEY  
Bent - 11.4.1  
AD - 11.4.1  
Bent - 11.4.1

CLIENT	11.4.1
6.4.1.1 BRO	11.4.1
SCALE:	1:100
DATE:	11.4.1
DWG:	11.4.1
FILE:	11.4.1



## REPAIR LOG PLAN

DEPT 2002.B.44



[illegible][illegible]

UPPER FLOOR PLAN

PAGE 6

**ZUNILS DEBY**

british columbia land surveys

1420 West Street  
Room 511 P.O. Box 935  
Phone (210) 763-4027  
Fax (210) 763-4113  
and daily 9:00 a.m.

ENGIN: ERDE ENTERPRISES

42 1209

72 JUNE 8, 2004

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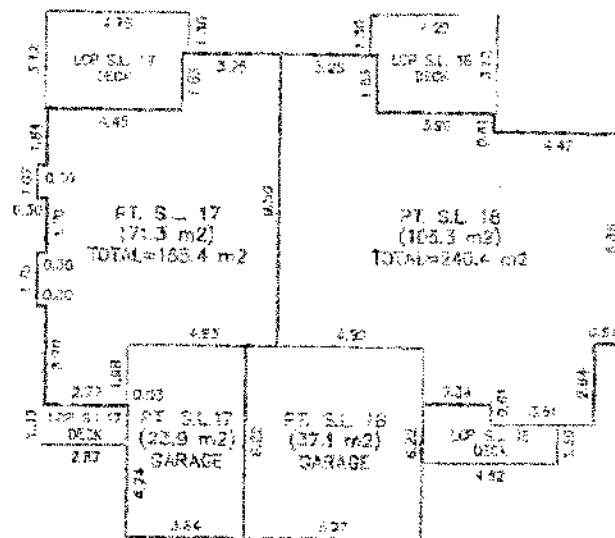
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Page 11

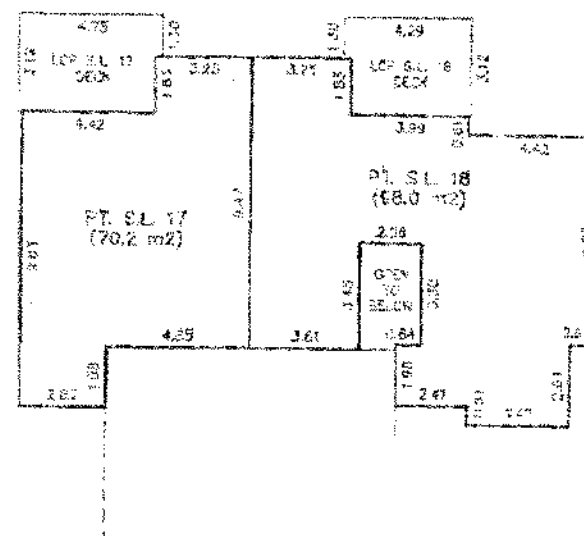
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05/23/2024 13:25 259763413

SHEET 10 OF 12



MAN 7, 208, 9, 44



LOWER FLOOR PLAN

SHEET 11 OF 12

BUILDING 5

PHASE 5

MEASUREMENTS SHOWN (AND) FROM ARCHITECTURAL PLANS  
REVISED BY DASH DESIGN - DATED MARCH 2004

**RUNNALLS DENBY**

BRITISH COLUMBIA LAND SURVEYORS

1400 WEST STREET Phone (250) 763-1332  
Suite 301 - VICTORIA Fax (250) 763-4467  
mail@runnallsdenby.com

PAGE 12

RUNNALLS DENBY

2507634413

13:45

06/03/2004

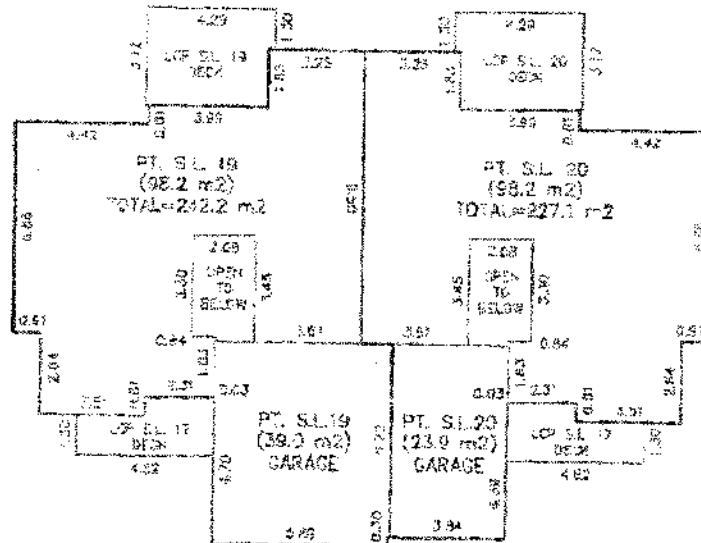
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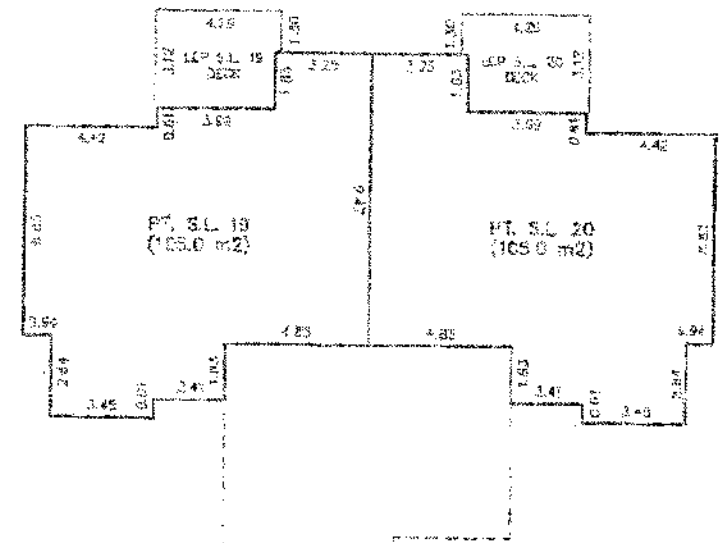
RE JUNE 6, 2004

G 1329PRE-BLDGS

11329



MAIN FLOOR PLAN



LOWER FLOOR PLAN

# SHEET 12 OF 12

BUILDING 6

PHASE 5

PAGE 13

RUNNALLS DERBY

2507634413

13:45

06/09/2004

11:29

11:29

PROPOSED DRAIN TAKES FROM ARCHITECTURAL PLANS  
REVISED BY ORGE DESIGN - DATED MARCH 2004

RUNNALLS DERBY

British Columbia Land Surveyors

1470 West Street  
Vancouver, BC V6P 1A5

Phone (604) 681-1111  
Fax (604) 681-4413  
Email derby@runnalls.com

ENT

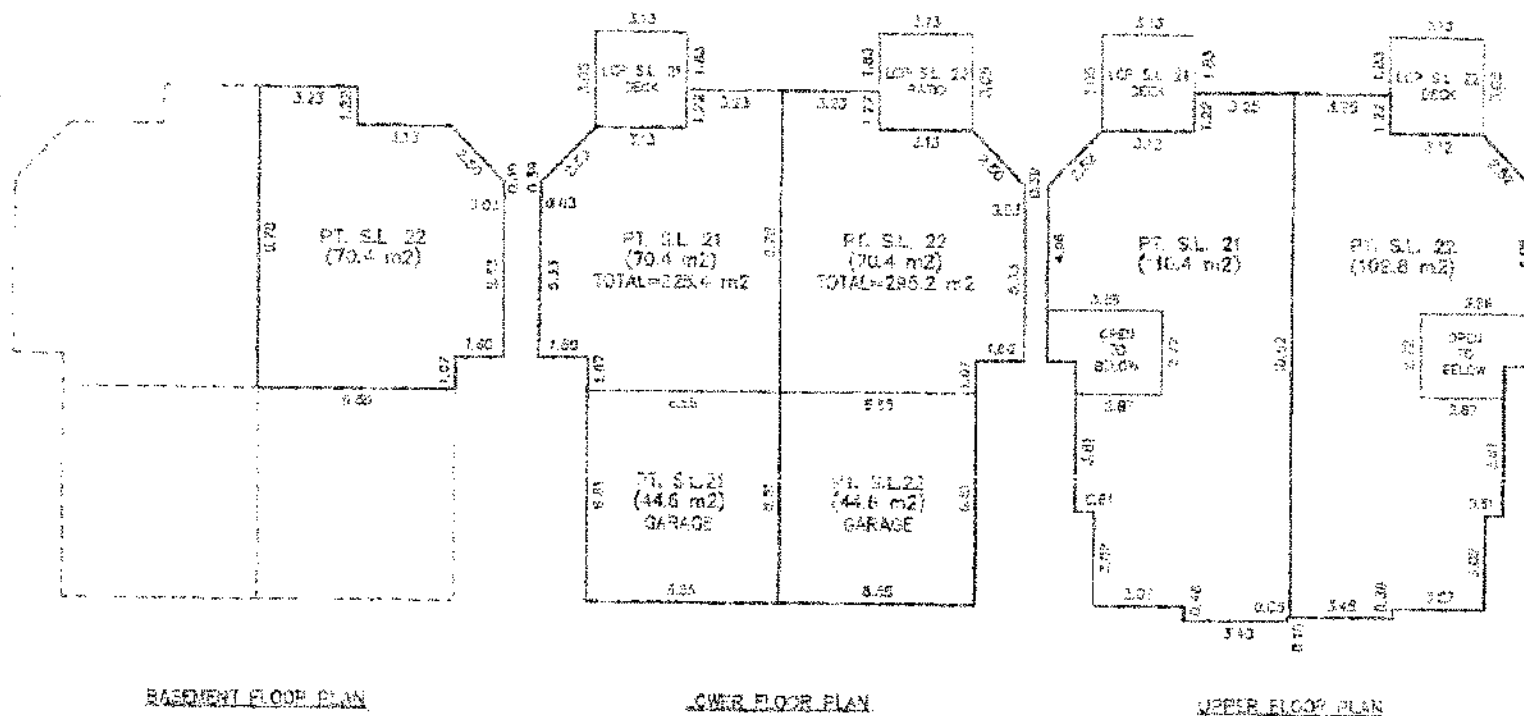
ENSIGN DROS ENTERPRISES

SCALE 1:200

DATE JUNE 8, 2004

BY 11329TRE-BLOND

BY 11329





Strata Lot No.	Street No.	Habitable Area in m <sup>2</sup>	Unit Entitlement	%* of Total Unit Entitlement**
1	2	147.4	153	3.0
2	2	156.9	157	3.0
3	3	183.9	184	4.6
4	3	163.3	183	4.6
5	4	157.4	157	3.0
6	4	156.9	157	3.0
7	5	183.9	184	4.6
8	5	183.3	183	4.6
9	6	157.4	157	3.0
10	6	156.9	157	3.0
11	7	183.9	184	4.6
12	7	183.3	183	4.6
13	8	157.4	157	3.0
14	8	227.1	227	5.7
15	9	143.8	144	4.6
16	9	183.3	183	4.6
17	10	141.5	142	3.6
18	10	203.1	203	5.1
19	11	203.2	203	5.1
20	14	107.2	203	5.1
21	12	180.8	181	4.6
22	12	250.6	251	6.3
Total number of lots: 22			Total unit entitlement: 3977	

\* expression of percentage is for informational purposes only and has no legal effect

\*\* not required for a phase of a phased strata plan

Date:

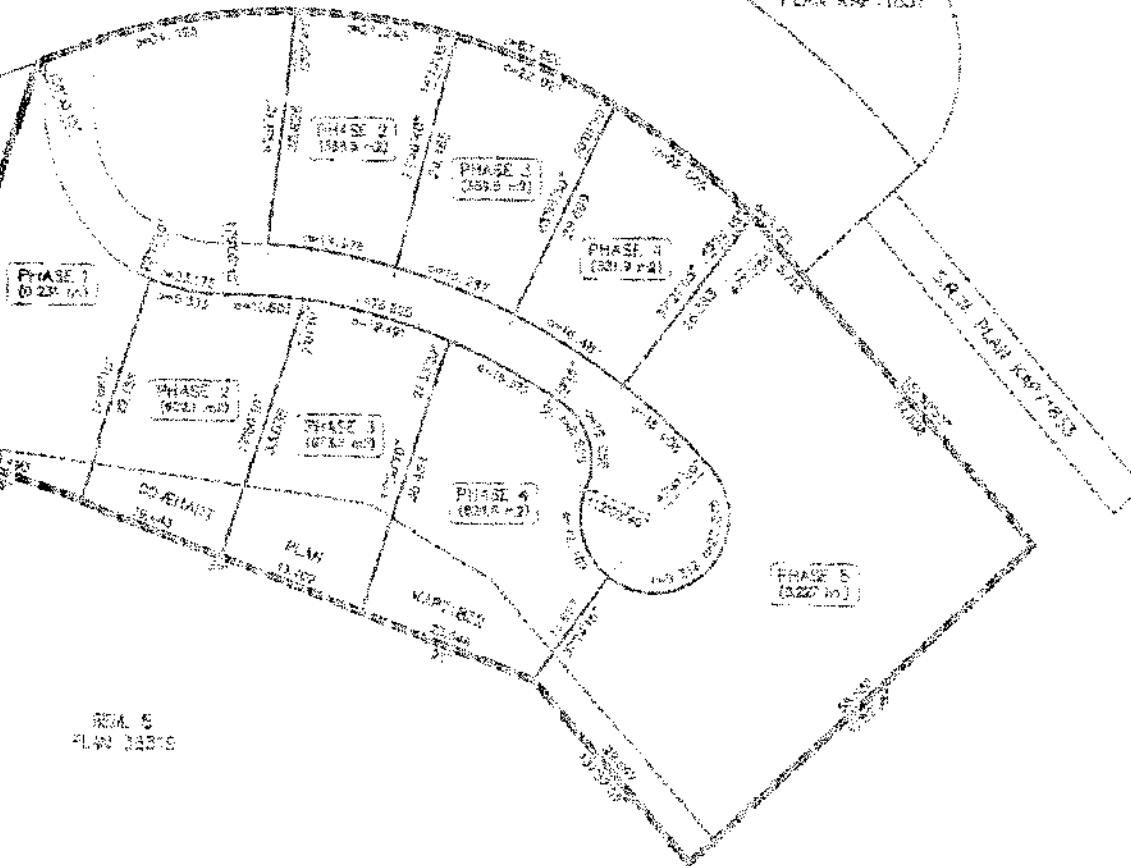
Signature of Owner/Developer



PLAN KAP71830

SHANNON RIDGE DRIVE

EASEMENT  
PLAN KAP71831



SKETCH PLAN TO ACCOMPANY  
FORM 'P' FOR PHASED STRATA  
PLAN OF LOT 2, PLAN KAP71830,  
DISTRICT LOT 2044, O.D.Y.D.

**PLINNALLS DENEY**

British Columbia land surveyors

100 - 1001 West Street

Vancouver B.C. V6E 2E5

Phone (604) 283-7112

Fax (604) 283-4473

Web Site: www.plinnallsdenny.com

CLIENT:

ENSON BROS ENTERPRISES

SCALE 1:750

DATE JUNE 8, 2004

DWG: 1152950000.DWG

D.S. 11525

05/09/2004 13:45 250734413

PLINNALLS DENEY

PAGE 10

**PUSHOR MITCHELL  
LAWYERS**

3<sup>rd</sup> Floor, 1665 Ellis Street  
Kelowna, British Columbia  
Canada, V1Y 2B3

Telephone: (250) 762-2108  
Fax: (250) 869-1103  
Email: lawyers@pushormitchell.com  
Website: www.pushormitchell.com

---

**FAX COVER LETTER**

**DATE:** June 16, 2004

**FILE NO.:** JAP/43041.2

**TO:** (250) 712-3669

Please deliver the following page(s) to:

**Name . . . . .:** Ministry of Transportation

**Attention . . . .:** Agnes for Bill Sparks

**From . . . . .:** Jackie Boyer

**MESSAGE:**

**RE:** Phased Development of Lot 2, Plan KAP71830  
Registered Owner: 681832 B.C. Ltd. (Ensign)  
Shannon Ridge Knoll

Further to our fax yesterday, because the order of the phasing changed, the unit entitlement changed as well. Consequently, please find attached a revised Schedule "B" to the Form P. Kindly replace such Schedule "B". I apologize for any inconvenience.

Original will not follow by mail.

**IMPORTANT- CONFIDENTIAL INFORMATION**

This message is intended only for the use of the individual or entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any other distribution, copying or disclosure is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.

We are transmitting a total number of 2 pages, including this cover letter.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE PHONE (250) 869-1131, AS SOON AS POSSIBLE.

/jlb

## Schedule "B"

Strata Lot No.	Sheet No.	Habitable Area in m <sup>2</sup>	Unit Entitlement	%* of Total Unit Entitlement**
1	2	157.4	157	3.9
2	2	156.9	157	3.9
3	3	183.9	184	4.6
4	3	183.3	183	4.6
5	4	157.4	157	3.9
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9	6	141.5	142	3.6
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Total number of lots: 22			Total unit entitlement: 3977	

\* expression of percentage is for informational purposes only and has no legal effect  
 \*\* not required for a phase of a phased strata plan

File # 20792 Applicant's Name Ensign (681832 BC Ltd)

RECEIVED FROM MINISTRY OF TRANSPORTATION:

*Pusher Mitchell  
Jackie Boyer  
J. Paterson*

\_\_\_\_\_ original mylar \_\_\_\_\_ mylar copy

\_\_\_\_\_ paper prints \_\_\_\_\_ covenant documents for  
\_\_\_\_\_

\_\_\_\_\_ easement documents & plans \_\_\_\_\_ Priority Agreement

\_\_\_\_\_ H235F report & attachments.

FOR:

\_\_\_\_\_ Delivery to Kamloops for signing of final plans

\_\_\_\_\_ Amendment to plan/covenant document \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notation on plan re: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Require Statutory Declaration re: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Approved Documents/Plans

☒ Other: Form P

PLANS/DOCUMENTS PICKED UP BY:

*[Signature]*  
(Sign)

*x June 21/04*  
(Date)

*x D-HARMS*  
(Print name of signer)



June 21, 2004

Our File: 02-081-20792

Your File: JAP/43041.2

Pushor Mitchell, Lawyers  
3rd Floor, 1665 Ellis Street,  
Kelowna, BC V1Y 2B3

Attention: James A. Paterson

Dear Sir:

Re: Phased Strata Development of 2175 Shannon Ridge Drive (681832 BC Ltd)  
- Lot 2, Plan KAP71830, D.L. 2044 ODYD

---

Attached hereto are plans, etc. pertaining to the above mentioned property which has been duly approved. The list of documents enclosed is as follows:

1. 1 Form P

Please note that these plans must be deposited in the Land Title Office for registration within sixty (60) days of the date of approval.

Yours truly,

(Mrs.) Lynda Lochhead  
District Development Technician

LL/  
Enclosures

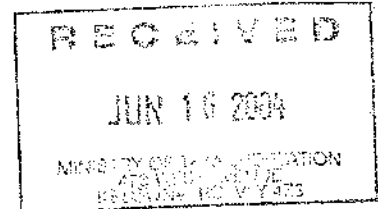
File copy

# Strata Property Act

## FORM P

### PHASED STRATA PLAN DECLARATION

(Sections 221, 222)



I, **CHRISTOPHER WAYNE ENSIGN**, Director of 681832 B.C. Ltd., Inc. No. 681832, 204 – 3340 Richter Street, Kelowna, British Columbia, declare

1. That I intend to create a strata plan by way of phased development of the following land which I own or on which I hold a right to purchase:

Parcel Identifier 025-488-970, Lot 2, District Lot 2044, Osoyoos Division Yale District, Plan KAP71830;

2. That the plan of development is as follows:

(a) The Development is a five (5) phase development. Phases 1, 2, 4 and 5 will consist of four (4) residential Strata Lots each and Phase 3 will consist of six (6) Strata Lots. There will be 22 residential dwellings.

(b) There are no recreational facilities.

(c) Attached hereto is the sketch plan showing:

- (i) All the land to be included in the phased strata plan;
- (ii) The present parcel boundaries; and
- (iii) The approximate boundaries of each phase.

(d) The estimated dates for commencement and completion of each phase is set out below:

Phase No.	Date of Commencement	Date of Completion
1	Already commenced	September 30, 2004
2	Already commenced	November 30, 2004
3	July 30, 2004	February 28, 2005
4	November 30, 2004	April 30, 2005
5	February 28, 2005	June 30, 2005

(e) The unit entitlement for each residential Strata Lot is attached as Schedule B. The total unit entitlement of the Development is 3977.

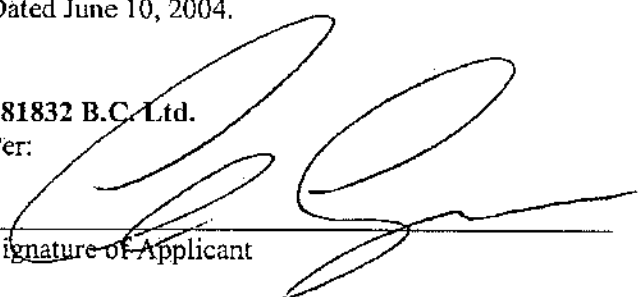
3. I will elect to proceed with each phase on or by the following dates:

Phase Number	Date [month, day, year]
1	Elected to proceed
2	Elected to proceed
3	July 30, 2004
4	November 30, 2004
5	February 28, 2005

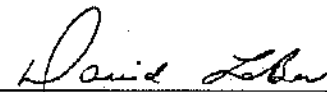
Dated June 10, 2004.

681832 B.C. Ltd.

Per:

  
Signature of Applicant

Date of approval: June 18, 2004.

  
Signature of Approving Officer

*Section 222(2) of the Act provides that approval expires after one year unless the first phase is deposited before that time.*

43041.2/jlb

## Schedule "B"

Strata Lot No.	Sheet No.	Habitable Area in m <sup>2</sup>	Unit Entitlement	%* of Total Unit Entitlement**
1	2	157.4	157	3.9
2	2	156.9	157	3.9
3	3	183.9	184	4.6
4	3	183.3	183	4.6
5	4	157.4	157	3.9
6	4	156.9	157	3.9
7	5	183.9	184	4.6
8	5	183.3	183	4.6
9	6	141.5	142	3.6
10	6	203.3	203	5.1
11	7	203.2	203	5.1
12	7	203.2	203	5.1
13	8	180.8	181	4.6
14	8	250.6	251	6.3
15	9	157.4	157	3.9
16	9	156.9	157	3.9
17	10	183.9	184	4.6
18	10	183.3	183	4.6
19	11	157.4	157	3.9
20	11	227.1	227	5.7
21	12	183.9	184	4.6
22	12	183.3	183	4.6
Total number of lots: 22		Total unit entitlement: 3977		

\* expression of percentage is for informational purposes only and has no legal effect

\*\* not required for a phase of a phased strata plan



of Central Okanagan.  
Party Act.  
2004.

portation

*Kris Wensign*  
(PRINT NAME)

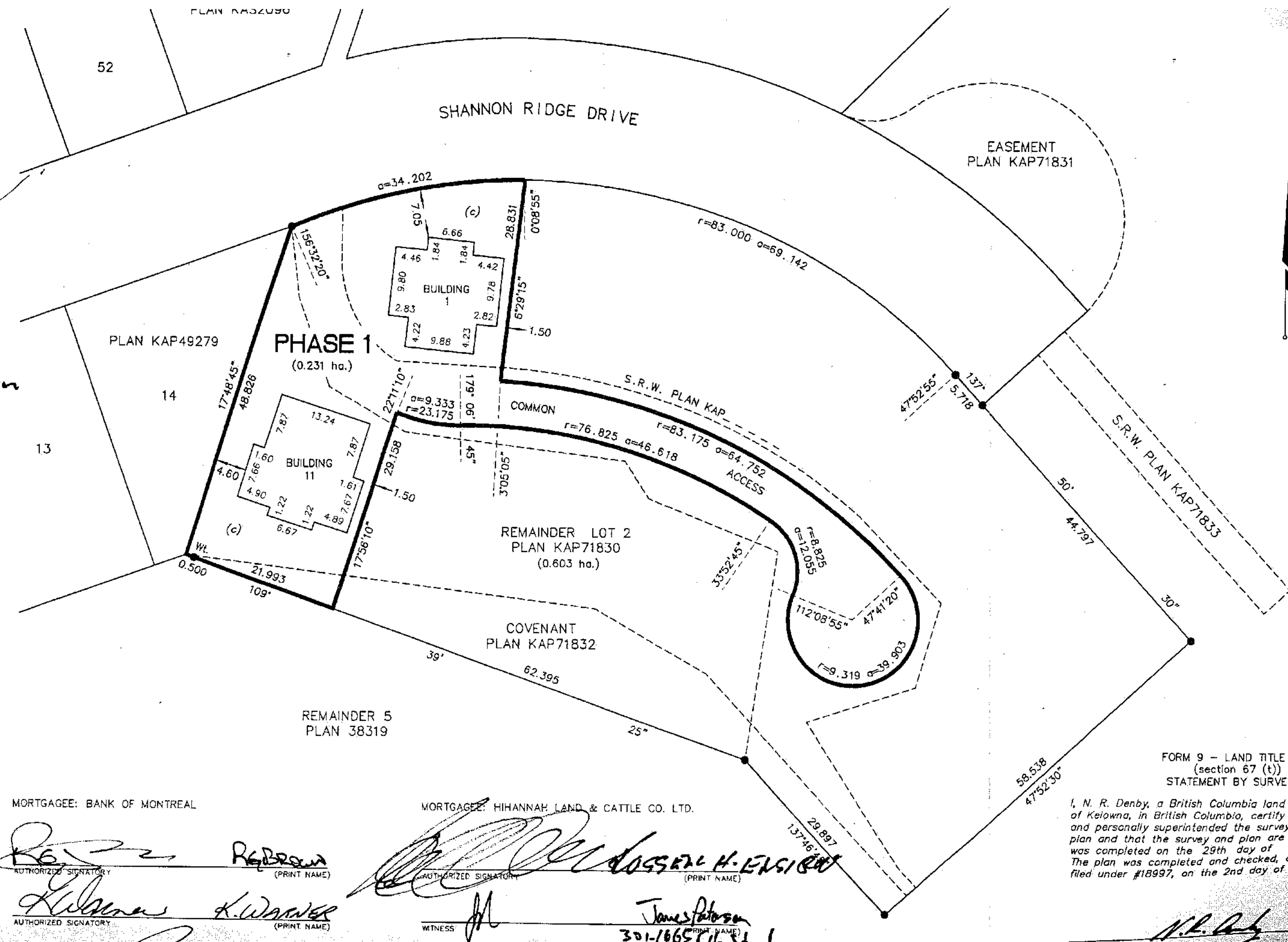
*James Paterson*  
(PRINT NAME)

T  
14.5(5))  
sur, certify  
are within  
the subject

B.C.L.S.

5(3))  
sur, certify that  
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B.C.L.S.



MORTGAGEE: BANK OF MONTREAL

MORTGAGEE: HIHANNAH LAND & CATTLE CO. LTD.

*[Signature]*  
AUTHORIZED SIGNATORY  
*[Signature]*  
AUTHORIZED SIGNATORY  
*[Signature]*  
WITNESS

*[Signature]*  
AUTHORIZED SIGNATORY  
*[Signature]*  
WITNESS  
James Paterson  
301-1665 Ellis Street  
Kelowna, B.C.

FORM 9 - LAND TITLE ACT  
(section 67 (t))  
STATEMENT BY SURVEYOR  
I, N. R. Denby, a British Columbia land surveyor, of Kelowna, in British Columbia, certify that I was and personally superintended the survey represented by this plan and that the survey and plan are correct. This was completed on the 29th day of July, 2004. The plan was completed and checked, and the check filed under #18997, on the 2nd day of August, 2004.  
*[Signature]*  
Neil R. Denby

# REFERENCE PLAN OF STATUTORY RIGHT OF WAY OVER PART OF LOT 2, PLAN KAP71830, DISTRICT LOT 2044, O.D.Y.D.

B.C.G.S. No. 82 E 083 PURSUANT TO SEC. 99(1)(e) L.T.A.

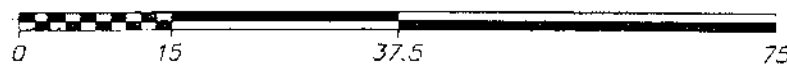
PLAN KAP

Deposited in the Land Title Office at Kamloops, B.C.,  
this day of , 2004.

COPY

COPY

Registrar



SCALE 1:750 (All distances are in metres)

## LEGEND

Bearings are astronomic and are derived from Plan KAP71830.

- Denotes standard iron post found
- Denotes standard iron post set

This plan lies within the Regional District of Central Okanagan.

FORM 9—LAND TITLE ACT  
(section 67(t))  
STATEMENT BY SURVEYOR

I, Neil R. Denby, a British Columbia Land Surveyor, of Kelowna, in British Columbia, certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 29th day of July, 2004. The plan was completed and checked, and the checklist filed under #18996, on the 2nd day of August, 2004.

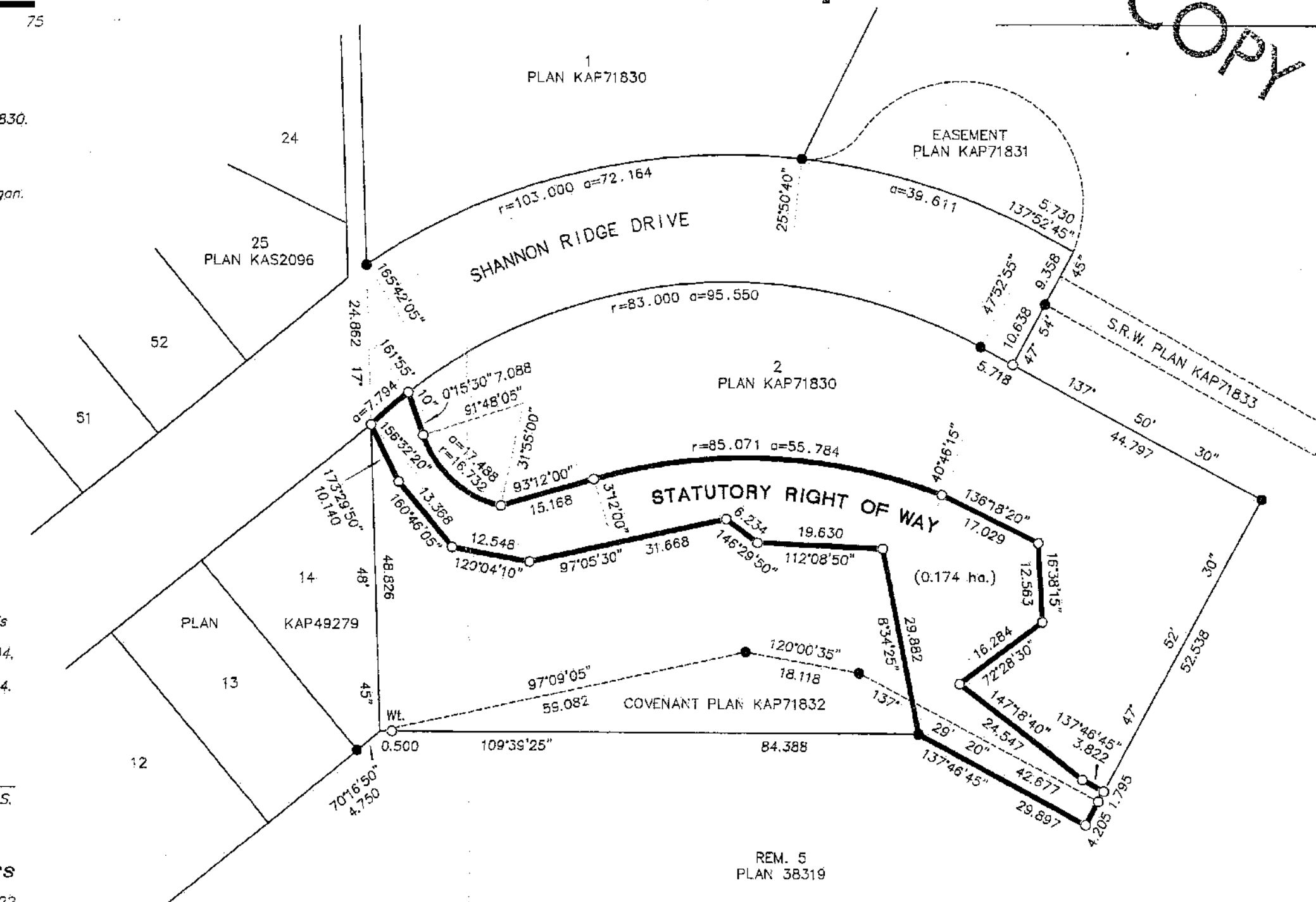
*N.R. Denby*  
Neil R. Denby B.C.L.S.

**RUNNALLS DENBY**  
british columbia land surveyors

#2 — 1470 Water Street  
Kelowna, B.C. V1Y 1J5  
Phone (250) 763-7322  
Fax (250) 763-4413  
email denby@telus.net

DWG. No.: 11329SRW.DWG

FILE: 11329





Pickup *[Signature]*

August 26, 2004

Our File: 2-81-20792  
Your File: JAP/43041.4

681832 B.C. Ltd.  
c/o Pushor Mitchell  
3<sup>rd</sup> Floor, 1665 Ellis Street  
Kelowna, British Columbia  
V1Y 2B3

Attention: James A. Paterson

Re: Phase 1 – (Building) Strata Plan – Shannon Ridge Drive, Westbank.  
Lot 2, DL 2044, ODYD, Plan KAP71830

---

The final plans for the above noted proposal are herewith returned duly signed and approved by the Approving Officer. The following documents are returned:

1. 1 - mylar originals of the final plan (sheet 1 of 2) .
2. 1 set of 2 sheets - paper prints of the final plan.
3. 4 – statutory right-of-way documents (RDCO – sewer)

The statutory right-of-way documents have not been signed as I assume this is a requirement of the Regional District of Central Okanagan and I have no indication they have seen or approve of the document. The Regional District needs to review the document and advise me if it satisfies their requirements and that they request my approval of the document. Alternatively, they can approve their own document.

Should you have any questions I can be reached most days at 488-0121 or contact our Kelowna office at 712-3660.

Sincerely,

W. G. (Bill) Sparkes, AScT  
Provincial Approving Officer  
enclose

# FINAL PLAN SUBMISSION

File No. 20792

Date Rec'd Aug 17/04

\*ASK CLIENT IF THEY HAVE COMPLIED WITH THE ITEMS ON THEIR PLA\*

1 One (1) Original Mylar \_\_\_\_\_ (#of) Mylar Copy

2 (# of) Paper Prints \_\_\_\_\_ Form FIN55

\_\_\_\_\_ Irrigation District Tax Certificate, if applicable

☒ Original and two (2) copies of Restrictive Covenants for: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Any corresp. from other agencies as required by PLA

\_\_\_\_\_ Original and two (2) copies of easement documents for: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Form P \_\_\_\_\_ Phased Building Strata

\_\_\_\_\_ Misc. \_\_\_\_\_

\_\_\_\_\_ Processing Fees: Fee Simple: \$100.00/lot + \$50.00 fee  
Strata: \$100.00/lot + \$100.00 fee  
Form P (incl. amendments): \$100.00  
Phased Building Strata: \$100.00

Amount <sup>100.00</sup> ~~\$500.00~~ (Cash or Cheque) *sent back*  
532344K Receipt # 532343K  
Receipt Issued to: Pushor Mitchell  
Plans submitted by: \_\_\_\_\_

*KAG. 18/08*  
*Need only \$100.00*  
*Advised Jackie*  
*Boyer this aft.*  
*Aug 18/04*  
*PLM*  
*Alan*

Send Approved Signed Plans to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

# PUSHOR MITCHELL

20192

LAWYERS  
TRADE MARK AGENTS

Rick J. Pushor  
Mark W. Baron\*  
Geord R. Holland\*  
Curtis L. Darmohray  
David C. Bennett

Richard H. Montgomery  
Theresa M. Arseneault  
Clarke Burnett  
Lisa Holmes Wyatt  
Kimberly D. Darling

Paul L. Mitchell  
Ronald T. Solmer  
Steven A. Wilson  
Robert K. Smithson  
Sarah A. McEwen

Alfred C. Kempf\*  
Thomas P. Fellhauer\*  
Joni D. Metherell  
Leona V. Baxter  
Jennifer R. Fairbrother

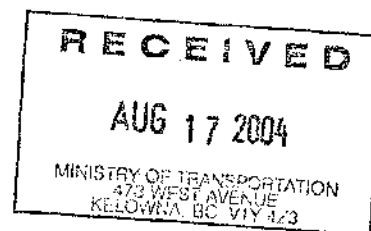
Allan R. Elliott\*  
Susan G. Connaghan  
James A. Paterson  
E. Blair Forrest  
Carmen A. Salaberry  
\* Law Corporation

Writer's Direct Line: (250) 869-1130

Our File: JAP/43041.4

August 17, 2004

MINISTRY OF TRANSPORTATION  
473 West Avenue  
Kelowna, BC V1Y 4Z3



Attention: Bill Sparks, Approving Officer

Dear Sirs/Mesdames:

RE: Registered Owner: 681832 B.C. Ltd.  
Phased Strata Plan of 2175 Shannon Ridge Drive, Westbank, BC  
Lot 2, DL 2044, ODYD, Plan KAP71830

We confirm we act for 682843 B.C. Ltd. with regard to the above matter.

We enclose the original and two paper prints of the Phase 1 Strata Plan for your approval and signature where indicated. We also enclose our cheque in the amount of \$500.00 representing your required approval fees (\$100.00 per lot created plus \$100.00).

We also enclose the original and three copies of a Statutory Right of Way (sewer) to be granted to the Regional District of Central Okanagan for your approval and signature.

Subject to your approval and signing, please call the writer's assistant, Jackie Boyer, at 869-1131 when the Plan and documents are ready for pick up.

We appreciate your prompt attention to this matter.

Yours truly,

PUSHOR MITCHELL

Per:

JAMES A. PATERSON

/jlb  
Enclosures

Page 38

Withheld pursuant to/removed as

s.3

Page 39

Withheld pursuant to/removed as

s.3

Page 40

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s.3



## CHAPTER #43

## STRATA PROPERTY ACT

## PART 13 -- Phased Strata Plans

## -- Sections 217 - 227 of Part 13 --

**PART 13 – Phased Strata Plans**

## -- Sections 217 - 227 of Part 13 --

**Definition**

- 217.** In this Part, “**common facility**” means a major facility in a phased strata plan, including a laundry room, playground, swimming pool, recreation centre, clubhouse or tennis court, if the facility is available for the use of the owners.  
1998-43-217 (B.C.Reg. 43/2000).

**Act applies to phased strata plan**

- 218. (1)** Subject to the regulations, the provisions of this Act apply to a phased strata plan.  
**(2)** If there is a conflict between a provision of this Part and a provision of another Part, the provision of this Part prevails.  
1998-43-218 (B.C.Reg. 43/2000).

**Owner developer in phased strata plan**

- 219.** For the purposes of this Part, an owner developer includes a person named as an applicant in a Phased Strata Plan Declaration.  
1998-43-219 (B.C.Reg. 43/2000).

**Transfer of owner developer's interest**

- 220.** If an owner developer transfers the owner developer's interest in land described in a Phased Strata Plan Declaration, the owner developer's rights and responsibilities under the declaration, this Act and the regulations transfer to the new owner developer.  
1998-43-220 (B.C.Reg. 43/2000).

**Deposit of phased strata plan in land title office**

- 221. (1)** The registrar may only accept a phase of a phased strata plan for deposit if  
 (a) a Phased Strata Plan Declaration in the prescribed form, approved by an approving officer in accordance with section 222, is filed with the first phase,  
 (b) each phase is approved by an approving officer in accordance with section 224, and in accordance with section 225 if required,  
 (c) the boundaries of each phase are clearly identified, and  
 (d) each phase, when deposited, complies with sections 240, 244 and 245.  
**(2)** Phases in a phased strata plan must be deposited in the order in which the phases are set out in the Phased Strata Plan Declaration.  
**(3)** The unit entitlement of strata lots in all of the phases must be calculated in accordance with section 246 using the same basis for calculations for all of the phases.  
**(4)** On the deposit of any phase of a phased strata plan other than the final phase, the registrar may make a notation of the Phased Strata Plan Declaration on the title to every strata lot created by the plan and on the title to the remainder parcel.  
**(5)** On the deposit of the final phase of a phased strata plan, the registrar may remove the notations made under subsection (4).  
 1998-43-221 (B.C.Reg. 43/2000).

**Approval of Phased Strata Plan Declaration**

222. (1) Before a person applies to deposit the first phase of a phased strata plan, the person must obtain the approval of an approving officer to a Phased Strata Plan Declaration in the prescribed form.
- (2) The approval of the approving officer referred to in subsection (1) expires after one year unless the first phase is deposited before that time.

1998-43-222 (B.C.Reg. 43/2000).

#### Security for common facilities

223. (1) If common facilities are to be constructed in a phase other than the first phase, or constructed on a separate parcel, an approving officer may only approve the Phased Strata Plan Declaration if the owner developer
- posts a bond, an irrevocable letter of credit or other security in an amount that, in the opinion of the approving officer, is sufficient to cover the full cost of constructing the common facility, including the cost of the land, or
  - makes other arrangements, satisfactory to the approving officer, to ensure the completion of the common facility.
- (2) The bond, irrevocable letter of credit or other security required under subsection (1) (a) must be drawn in favour of, and must be held by,
- the municipality in which the land is located,
  - the regional district in which the land is located if the land is not located in a municipality and is not Nisga'a Lands,
  - the Nisga'a Village if the land is located within Nisga'a Village Lands, or
  - the Nisga'a Nation if the land is Nisga'a Lands other than Nisga'a Village Lands.
- (3) If the owner developer complies with subsections (1) and (2), the approving officer may not require any further security for common facilities as a condition for approving the declaration.

Jan 21/02

Jan 21/02

Jan 21/02

Jan 21/02

1998-43-223 (B.C.Reg. 43/2000); 2002-22-13.

#### Approval of phase

224. (1) Before the owner developer applies to deposit a phase of a phased strata plan, the owner developer must obtain the approval of an approving officer to that phase.
- (2) The approving officer must approve a phase of a phased strata plan if it substantially complies with the requirements for that phase as set out in the Phased Strata Plan Declaration.
- (3) If the approving officer approves a phase of the phased strata plan, the approving officer must endorse the approval on the plan in accordance with the regulations.

1998-43-224 (B.C.Reg. 43/2000).

#### Approving officer's approval for common facilities

225. (1) If a common facility is to be constructed in conjunction with a phase of a strata plan, the phase must be approved by an approving officer in accordance with the regulations.
- (2) The approving officer must approve the phase if
- the owner developer fulfills the requirements of section 223, or
  - the common facility is at least 50% completed, as verified by the certificate of a registered architect or professional engineer.

1998-43-225 (B.C.Reg. 43/2000).

#### Release of security

226. (1) Security provided under section 223 must be released if any of the following requirements are met:
- the common facility is substantially completed, as verified by the certificate of a registered architect or professional engineer;
  - after a council is elected, the strata corporation and the owner developer enter into an agreement for the completion of the common facilities and the release of the security is authorized by a resolution passed by a 3/4 vote at an annual or special general meeting;

Jun 21/02

- (c) the Supreme Court orders the release under subsection (4);
- (d) the Supreme Court makes an order under subsection (5) or under section 233 (6) or 235 (6) for the provision of the common facilities.
- (2) For the purpose of the 3/4 vote referred to in subsection (1) (b), the owner developer is not an eligible voter.
- (3) Security provided under section 223 must not be released unless one of the requirements in subsection (1) of this section has been met.
- (4) If the municipality, regional district, Nisga'a Village or Nisga'a Nation refuses to release the security, the owner developer may apply to the Supreme Court for an order that it be released.
- (5) After deposit of the first phase, if a common facility is not substantially completed within the time for completion set out in the Phased Strata Plan Declaration, the strata corporation or an owner may apply to the Supreme Court for one or both of the following orders:
  - (a) that the owner developer complete whatever common facilities the court considers equitable;
  - (b) that some or all of the security provided for the common facilities be paid as provided by the court.

1998-43-226 (B.C.Reg. 43/2000); 2002-22-14.

#### **Owner developer's contribution to expenses**

227. (1) Subject to sections 233 (2) and 235 (3), until all phases of a phased strata plan have been deposited, the owner developer must contribute to the expenses of the strata corporation that are attributable to the common facilities.
- (2) Subject to the regulations, the owner developer's share of the expenses under subsection (1) is calculated as follows:

$$\frac{\text{unit entitlement of strata lots in phases not deposited}}{\text{unit entitlement of strata lots in all phases whether deposited or not}} \times \text{expenses attributable to the common facilities}$$

- (3) For the purposes of subsection (2), the unit entitlement of strata lots in the phases not deposited is as set out in the Phased Strata Plan Declaration.
- 1998-43-227 (B.C.Reg. 43/2000).